

## FEDERAL COURTS IMPROVEMENT ACT OF 1999

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SEPTEMBER 9, 1999.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. COBLE, from the Committee on the Judiciary,  
submitted the following

### R E P O R T

[To accompany H.R. 1752]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1752) to make improvements in the operation and administration of the Federal courts, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:  
Strike out all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Federal Courts Improvement Act of 1999”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

**TITLE I—JUDICIAL FINANCIAL ADMINISTRATION**

- Sec. 101. Reimbursement of judiciary for civil and criminal forfeiture expenses.
- Sec. 102. Transfer of retirement funds.
- Sec. 103. Judiciary Information Technology Fund.
- Sec. 104. Bankruptcy fees.
- Sec. 105. Disposition of miscellaneous fees.
- Sec. 106. Repeal of statute setting Court of Federal Claims filing fee.
- Sec. 107. Technical amendment relating to the treatment of certain bankruptcy fees collected.
- Sec. 108. Increase in fee for converting a chapter 7 or chapter 13 bankruptcy case to a chapter 11 bankruptcy case.
- Sec. 109. Increase in chapter 9 bankruptcy filing fee.
- Sec. 110. Creation of certifying officers in the judicial branch.
- Sec. 111. Fee authority for technology resources in the courts.

**TITLE II—JUDICIAL PROCESS IMPROVEMENTS**

- Sec. 201. Extension of statutory authority for magistrate judge positions to be established in the district courts of Guam and the Northern Mariana Islands.
- Sec. 202. Magistrate judge contempt authority.
- Sec. 203. Consent to magistrate judge authority in petty offense cases and magistrate judge authority in misdemeanor cases involving juvenile defendants.
- Sec. 204. Savings and loan data reporting requirements.
- Sec. 205. Place of holding court in the Eastern District of Texas.
- Sec. 206. Federal substance abuse treatment program reauthorization.
- Sec. 207. Membership in circuit judicial councils.
- Sec. 208. Sunset of Civil Justice Expense and Delay Reduction Plans.
- Sec. 209. Technical bankruptcy correction.
- Sec. 210. Authority of presiding judge to allow media coverage of court proceedings.

**TITLE III—JUDICIARY PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS**

- Sec. 301. Disability retirement and cost-of-living adjustments of annuities for territorial judges.
- Sec. 302. Federal Judicial Center personnel matters.
- Sec. 303. Judicial administrative officials retirement matters.
- Sec. 304. Judges’ firearms training.
- Sec. 305. Removal of automatic excuse from jury service for members of the Armed Services, members of fire and police departments, and public officers.
- Sec. 306. Expanded workers’ compensation coverage for jurors.
- Sec. 307. Property damage, theft, and loss claims of jurors.
- Sec. 308. Elimination of the public drawing requirements for selection of juror wheels.
- Sec. 309. Annual leave limit for court unit executives.
- Sec. 310. Payments to Military Survivor Benefit Plan.
- Sec. 311. Authorization of a circuit executive for the Federal Circuit.
- Sec. 312. Amendment to the jury selection process.
- Sec. 313. Supplemental attendance fee for petit jurors serving on lengthy trials.

**TITLE IV—CRIMINAL JUSTICE ACT AMENDMENTS**

- Sec. 401. Maximum amounts of compensation for attorneys.
- Sec. 402. Maximum amounts of compensation for services other than counsel.
- Sec. 403. Tort Claims Act amendments relating to liability of Federal public defenders.

## **TITLE I—JUDICIAL FINANCIAL ADMINISTRATION**

**SEC. 101. REIMBURSEMENT OF JUDICIARY FOR CIVIL AND CRIMINAL FORFEITURE EXPENSES.**

(a) **TRANSFER OF FUNDS.**—Section 524(c) of title 28, United States Code, is amended—

(1) by inserting after paragraph (11) the following new paragraph:

“(12)(A) In the fiscal year subsequent to the fiscal year in which this paragraph is enacted and in each fiscal year thereafter, an amount as specified in subparagraph (B) shall be transferred annually to the judiciary into the fund established under section 1931 of this title, for expenses incurred in—

“(i) adjudication of civil and criminal forfeiture proceedings that result in deposits into the Fund (except the expense of salaries of judges);

“(ii) representation, pursuant to the provisions of section 3006A of title 18 or section 408(q) of the Controlled Substances Act (21 U.S.C. 848(q)) of defendants whose assets have been seized in such forfeiture proceedings, to

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“(i) adjudication of civil and criminal forfeiture proceedings that result in deposits into the Fund (except the expense of salaries of judges);

“(ii) representation, pursuant to the provisions of section 3006A of title 18 or section 408(q) of the Controlled Substances Act (21 U.S.C. 848(q)) of defendants whose assets have been seized in such forfeiture proceedings, to the extent that such expenses of representation could have been recovered through an order for payment or for reimbursement of the defender services appropriation pursuant to section 3006A(f) of title 18; and

“(iii) supervision by United States probation officers of offenders under home detention or other forms of confinement outside of Bureau of Prison facilities.

“(B) The amount to be transferred under subparagraph (A)—

“(i) shall be an amount from the combined fiscal year deposits into both the Fund and the Department of Treasury Asset Forfeiture Fund established by section 9703 of title 31 (hereafter referred to as ‘both Funds’), which amount shall not exceed the statement of costs incurred by the judiciary in providing the services identified in subparagraph (A), as set forth by the Director of the Administrative Office of the United States Courts in a report to the Attorney General and the Secretary of the Treasury no later than 90 days after the end of the fiscal year in which the expenses were incurred; except that—

“(I) the total amount to be transferred from both Funds shall not exceed \$50,000,000, or 10 percent of the total combined deposits into both Funds, whichever is less;

“(II) the proportion of the amount transferred from the Fund to the total amount to be transferred shall be equal to the proportion of the fiscal year deposits into the Fund to the combined fiscal year deposits in both Funds; and

“(III) the total amount to be transferred from both Funds may exceed the limits set out in this subparagraph subject to the discretion of the Attorney General and the Secretary of the Treasury; and

“(ii) shall be paid from revenues deposited into the Fund during the fiscal year in which the expenses were incurred and are not required to be specified in appropriations Acts.”.

(b) **TREASURY FORFEITURE FUND.**—Section 9703 of title 31, United States Code, is amended—

(1) by redesignating subsection (p) as subsection (q); and

(2) by inserting after subsection (o) the following new subsection:

“(p) **TRANSFER TO THE FEDERAL JUDICIARY.**—In the fiscal year subsequent to the fiscal year in which this subsection is enacted and in each fiscal year thereafter, an amount necessary to meet the transfer requirements of section 524(c)(12) of title 28 shall be transferred to the judiciary, and shall be subject to the same limitations, terms, and conditions specified in that section for transfers to the judiciary from the Department of Justice Asset Forfeiture Fund.”.

(c) **CONFORMING AMENDMENT.**—Section 1931(a) of title 28, United States Code, is amended by inserting “or other judicial services, including services provided pursuant to section 3006A of title 18 or section 408(q) of the Controlled Substances Act (21 U.S.C. 848(q))” after “courts of the United States.”.

**\*COM008\*SEC. 102. TRANSFER OF RETIREMENT FUNDS.**

Section 377 of title 28, United States Code, is amended by adding at the end the following new subsection:

“(p) **TRANSFER OF RETIREMENT FUNDS.**—Upon election by a bankruptcy judge or a magistrate judge under subsection (f) of this section, all of the accrued employer contributions and accrued interest on those contributions made on behalf of the bankruptcy judge or magistrate judge to the Civil Service Retirement and Disability Fund under section 8348 of title 5 shall be transferred to the fund established under section 1931 of this title, except that if the bankruptcy judge or magistrate judge elects under section 2(c) of the Retirement and Survivor’s Annuities for Bankruptcy Judges and Magistrates Act of 1988 (Public Law 100–659), to receive a retirement annuity under both this section and title 5, only the accrued employer contributions and accrued interest on such contributions made on behalf of the bankruptcy judge or magistrate judge for service credited under this section may be transferred.”.

**SEC. 103. JUDICIARY INFORMATION TECHNOLOGY FUND.**

Section 612 of title 28, United States Code, is amended—

(1) by striking “equipment” each place it appears and inserting “resources”;

- (2) by striking subsection (f) and redesignating subsequent subsections accordingly;
- (3) in subsection (g), as so redesignated, by striking paragraph (3); and
- (4) in subsection (i), as so redesignated—
  - (A) by striking “Judiciary” and inserting “judiciary”;
  - (B) by striking “subparagraph (c)(1)(B)” and inserting “subsection (c)(1)(B)”; and
  - (C) by striking “under (c)(1)(B)” and inserting “under subsection (c)(1)(B)”.

**SEC. 104. BANKRUPTCY FEES.**

Subsection (a) of section 1930 of title 28, United States Code, is amended by adding at the end the following new paragraph:

“(7) In districts that are not part of a United States trustee region as defined in section 581 of this title, the Judicial Conference of the United States may require the debtor in a case under chapter 11 of title 11 to pay fees equal to those imposed by paragraph (6). Such fees shall be deposited into the fund established under section 1931.”.

**SEC. 105. DISPOSITION OF MISCELLANEOUS FEES.**

For fiscal year 2000 and thereafter, any portion of miscellaneous fees collected as prescribed by the Judicial Conference of the United States pursuant to sections 1913, 1914(b), 1926(a), 1930(b), and 1932 of title 28, United States Code, exceeding the amount of such fees established on the date of the enactment of this Act shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

**SEC. 106. REPEAL OF STATUTE SETTING COURT OF FEDERAL CLAIMS FILING FEE.**

Section 2520 of title 28, United States Code, and the item relating to such section in the table of contents for chapter 165 of such title, are repealed.

**SEC. 107. TECHNICAL AMENDMENT RELATING TO THE TREATMENT OF CERTAIN BANKRUPTCY FEES COLLECTED.**

(a) AMENDMENT.—The 1st sentence of section 406(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (Public Law 101–162; 103 Stat. 1016) is amended by striking “service enumerated after item 18” and inserting “service not of a kind described in any of the items enumerated as items 1 through 7 and as items 9 through 18, as in effect on November 21, 1989, (and not of a kind described in items enumerated as items 8.1, 8.2, and 23, as in effect on January 1, 1998)”.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall not apply with respect to fees collected before the date of the enactment of this Act.

**SEC. 108. INCREASE IN FEE FOR CONVERTING A CHAPTER 7 OR CHAPTER 13 BANKRUPTCY CASE TO A CHAPTER 11 BANKRUPTCY CASE.**

The flush paragraph at the end of section 1930(a) of title 28, United States Code, is amended by striking “\$400” and inserting “the amount equal to the difference between the fee specified in paragraph (3) and the fee specified in paragraph (1)”.

**SEC. 109. INCREASE IN CHAPTER 9 BANKRUPTCY FILING FEE.**

Section 1930(a)(2) of title 28, United States Code, is amended by striking “\$300” and inserting “equal to the fee specified in paragraph (3) for filing a case under chapter 11 of title 11. The amount by which the fee payable under this paragraph exceeds \$300 shall be deposited in the fund established under section 1931 of this title”.

**SEC. 110. CREATION OF CERTIFYING OFFICERS IN THE JUDICIAL BRANCH.**

(a) APPOINTMENT OF DISBURSING AND CERTIFYING OFFICERS.—Chapter 41 of title 28, United States Code, is amended by adding at the end the following new section:

**“§ 613. Disbursing and certifying officers**

“(a) DISBURSING OFFICERS.—The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to be disbursing officers in such numbers and locations as the Director considers necessary. Such dispersing officers shall—

- “(1) disburse moneys appropriated to the judicial branch and other funds only in strict accordance with payment requests certified by the Director or in accordance with subsection (b);

“(2) examine payment requests as necessary to ascertain whether they are in proper form, certified, and approved; and

“(3) be held accountable for their actions as provided by law, except such a disbursing officer shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate for which a certifying officer is responsible under subsection (b).

“(b) CERTIFYING OFFICERS.—(1) The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to certify payment requests payable from appropriations and funds. These certifying officers shall be responsible and accountable for—

“(A) the existence and correctness of the facts recited in the certificate or other request for payment or its supporting papers;

“(B) the legality of the proposed payment under the appropriation or fund involved; and

“(C) the correctness of the computations of certified payment requests.

“(2) The liability of a certifying officer shall be enforced in the same manner and to the same extent as provided by law with respect to the enforcement of the liability of disbursing and other accountable officers. A certifying officer shall be required to make restitution to the United States for the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificates made by the certifying officer, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

“(c) RIGHTS.—A certifying or disbursing officer—

“(1) has the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment request presented for certification; and

“(2) is entitled to relief from liability arising under this section in accordance with title 31.

“(d) OTHER AUTHORITY NOT AFFECTED.—Nothing in this section affects the authority of the courts with respect to moneys deposited with the courts under chapter 129 of this title.”.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 41 of title 28, United States Code, is amended by adding at the end the following new item:

“613. Disbursing and certifying officers.”.

(c) DUTIES OF DIRECTOR.—Paragraph (8) of subsection (a) of section 604 of title 28, United States Code, is amended to read as follows:

“(8) Disburse appropriations and other funds for the maintenance and operation of the courts;”.

#### SEC. 111. FEE AUTHORITY FOR TECHNOLOGY RESOURCES IN THE COURTS.

(a) IN GENERAL.—Chapter 41 of title 28, United States Code is amended by adding at the end the following:

##### “§ 614. Authority to prescribe fees for technology resources in the courts

“The Judicial Conference is authorized to prescribe reasonable fees pursuant to sections 1913, 1914, 1926, 1930, and 1932, for use of information technology resources provided by the judiciary to improve the efficiency of and access to the courts. Fees collected pursuant to this section are to be deposited in the Judiciary Information Technology Fund to be available to the Director without fiscal year limitation for reinvestment in information technology resources which will advance the purposes of this section.”.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 41 of title 28, United States Code, is amended by adding at the end the following new item:

“614. Authority to prescribe fees for technology resources in the courts.”.

## TITLE II—JUDICIAL PROCESS IMPROVEMENTS

#### SEC. 201. EXTENSION OF STATUTORY AUTHORITY FOR MAGISTRATE JUDGE POSITIONS TO BE ESTABLISHED IN THE DISTRICT COURTS OF GUAM AND THE NORTHERN MARIANA ISLANDS.

Section 631 of title 28, United States Code, is amended—

(1) by striking the first two sentences of subsection (a) and inserting the following: “The judges of each United States district court and the district courts of the Virgin Islands, Guam, and the Northern Mariana Islands shall appoint United States magistrate judges in such numbers and to serve at such lo-

cations within the judicial districts as the Conference may determine under this chapter. In the case of a magistrate judge appointed by the district court of the Virgin Islands, Guam, or the Northern Mariana Islands, this chapter shall apply as though the court appointing such a magistrate judge were a United States district court.”; and

(2) in the first sentence of subsection (b)(1), by inserting “the Territory of Guam, the Commonwealth of the Northern Mariana Islands,” after “Commonwealth of Puerto Rico,”.

**SEC. 202. MAGISTRATE JUDGE CONTEMPT AUTHORITY.**

Section 636(e) of title 28, United States Code, is amended to read as follows:

“(e) CONTEMPT AUTHORITY.—

“(1) CONTEMPT AUTHORITY.—A United States magistrate judge serving under this chapter shall have within the territorial jurisdiction prescribed by his or her appointment the power to exercise contempt authority as set forth in this subsection.

“(2) SUMMARY CRIMINAL CONTEMPT AUTHORITY.—A magistrate judge shall have the power to punish summarily by fine or imprisonment such contempt of his or her authority constituting misbehavior of any person in the magistrate judge’s presence so as to obstruct the administration of justice. The order of contempt shall be issued pursuant to Federal Rules of Criminal Procedure.

“(3) ADDITIONAL CRIMINAL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge shall have the power to punish by fine or imprisonment such criminal contempt constituting disobedience or resistance to the magistrate judge’s lawful, writ, process, order, rule, decree, or command. Disposition of such contempt shall be conducted upon notice and hearing pursuant to the Federal Rules of Criminal Procedure.

“(4) CIVIL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge may exercise the civil contempt authority of the district court. This paragraph shall not be construed to limit the authority of a magistrate judge to order sanctions pursuant to any other statute, the Federal Rules of Civil Procedure, or the Federal Rules of Criminal Procedure.

“(5) CRIMINAL CONTEMPT PENALTIES.—The sentence imposed by a magistrate judge for any criminal contempt set forth in paragraphs (2) and (3) of this subsection shall not exceed the penalties for a Class C misdemeanor as set forth in sections 3581(b)(8) and 3571(b)(6) of title 18.

“(6) CERTIFICATION OF OTHER CONTEMPTS TO THE DISTRICT COURT.—Upon the commission of any act—

“(A) in any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, or in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, that may, in the opinion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection, or

“(B) in any other case or proceeding under subsection (a) or (b) of this section, or any other statute, where—

“(i) the act committed in the magistrate judge’s presence may, in the opinion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection,

“(ii) the act that constitutes a criminal contempt occurs outside the presence of the magistrate judge, or

“(iii) the act constitutes a civil contempt,

the magistrate judge shall forthwith certify the facts of a district judge and may serve or cause to be served upon any person whose behavior is brought into question under this paragraph an order requiring such person to appear before a district judge upon a day certain to show cause why he or she should not be adjudged in contempt by reason of the facts so certified. The district judge shall thereupon hear the evidence as to the act of conduct complained of and, if it is such as to warrant punishment, punish such person in the same manner and to the same extent as for a contempt committed before a district judge.

“(7) APPEALS OF MAGISTRATE JUDGE CONTEMPT ORDERS.—The appeal of an order of contempt issued pursuant to this section shall be made to the court of appeals in cases proceeding under subsection (c) of this section. The appeal of any other order to contempt issued pursuant to this section shall be made to the district court.”.

**SEC. 203. CONSENT TO MAGISTRATE JUDGE AUTHORITY IN PETTY OFFENSE CASES AND MAGISTRATE JUDGE AUTHORITY IN MISDEMEANOR CASES INVOLVING JUVENILE DEFENDANTS.**

(a) AMENDMENTS TO TITLE 18.—

(1) PETTY OFFENSE CASES.—Section 3401(b) of title 18, United States Code, is amended by striking “that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction,” after “petty offense”.

(2) CASES INVOLVING JUVENILES.—Section 3401(g) of title 18, United States Code, is amended—

(A) by striking the first sentence and inserting the following: “The magistrate judge may, in a petty offense case involving a juvenile, exercise all powers granted to the district court under chapter 403 of this title.”;

(B) in the second sentence by striking “any other class B or C misdemeanor case” and inserting “the case of any misdemeanor, other than a petty offense.”; and

(C) by striking the last sentence.

(b) AMENDMENTS TO TITLE 28.—Section 636(a) of title 28, United States Code, is amended by striking paragraphs (4) and (5) and inserting the following:

“(4) the power to enter a sentence for a petty offense; and

“(5) the power to enter a sentence for a class A misdemeanor in a case in which the parties have consented.”.

**SEC. 204. SAVINGS AND LOAN DATA REPORTING REQUIREMENTS.**

Section 604 of title 28, United States Code, is amended in subsection (a) by striking the second paragraph designated (24).

**SEC. 205. PLACE OF HOLDING COURT IN THE EASTERN DISTRICT OF TEXAS.**

(a) TEXAS.—Section 124(c) of title 28, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking “Denton, and Grayson” and inserting “Delta, Denton, Fannin, Grayson, Hopkins, and Lamar”; and

(B) by inserting “and Plano” after “held at Sherman”;

(2) by striking paragraph (4) and redesignating paragraphs (5) through (7) as paragraphs (4) through (6), respectively; and

(3) in paragraph (5), as so redesignated, by inserting “Red River,” after “Franklin.”.

(b) TEXARKANA.—Sections 83(b)(1) and 124(c)(5) (as redesignated by subsection (a) of this section) of title 28, United States Code, are each amended by inserting after “held at Texarkana” the following: “, and may be held anywhere within the Federal courthouse in Texarkana that is located astride the State line between Texas and Arkansas”.

**SEC. 206. FEDERAL SUBSTANCE ABUSE TREATMENT PROGRAM REAUTHORIZATION.**

Section 4(a) of the Contract Services for Drug Dependent Federal Offenders Treatment Act of 1978 (Public Law 95–537; 92 Stat. 2038) is amended by striking all that follows “there are authorized to be appropriated” and inserting “for fiscal year 2000 and each fiscal year thereafter such sums as may be necessary to carry out this Act.”.

**SEC. 207. MEMBERSHIP IN CIRCUIT JUDICIAL COUNCILS.**

Section 332 of title 28, United States Code, is amended in subsection (a)—

(1) by striking paragraph (3) and inserting the following:

“(3) Except for the chief judge of the circuit, either judges in regular active service or judges retired from regular active service under section 371(b) of this title may serve as members of the council.”; and

(2) by striking “retirement,” in paragraph (5) and inserting “retirement pursuant to section 371(a) or section 372(a) of this title.”.

**SEC. 208. SUNSET OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLANS.**

Section 103(b)(2)(A) of the Civil Justice Reform Act of 1990 (Public Law 101–650; 104 Stat. 5096; 28 U.S.C. 471 note), as amended by Public Law 105–53 (111 Stat. 1173), is amended by inserting “471,” after “sections”.



**SEC. 209. TECHNICAL BANKRUPTCY CORRECTION.**

Section 1228 of title 11, United States Code, is amended by striking “1222(b)(10)” each place it appears and inserting “1222(b)(9).”.

**SEC. 210. AUTHORITY OF PRESIDING JUDGE TO ALLOW MEDIA COVERAGE OF COURT PROCEEDINGS.**

(a) **AUTHORITY OF APPELLATE COURTS.**—Notwithstanding any other provision of law, the presiding judge of an appellate court of the United States may, in his or her discretion, with the consent of all named parties, permit the photographing, electronic recording, broadcasting, or televising to the public of court proceedings over which that judge presides.

(b) **AUTHORITY OF DISTRICT COURTS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, any presiding judge of a district court of the United States may, in his or her discretion, with the consent of all named parties, permit the photographing, electronic recording, broadcasting, or televising to the public of court proceedings over which that judge presides.

(2) **OBSCURING OF WITNESSES.**—(A) Upon the request of any witness in a trial proceeding other than a party, the court shall order the face and voice of the witness to be disguised or otherwise obscured in such manner as to render the witness unrecognizable to the broadcast audience of the trial proceeding.

(B) The presiding judge in a trial proceeding shall inform each witness who is not a party that the witness has the right to request that his or her image and voice be obscured during the witness’ testimony.

(c) **ADVISORY GUIDELINES.**—The Judicial Conference of the United States is authorized to promulgate advisory guidelines to which a presiding judge shall refer in making decisions with respect to consistent criteria to be applied in the exercise of the discretion of the presiding judge, and to the management and administration of photographing, recording, broadcasting, or televising described in subsections (a) and (b).

(d) **DEFINITIONS.**—As used in this section:

(1) **PRESIDING JUDGE.**—The term “presiding judge” means the judge presiding over the court proceeding concerned. In proceedings in which more than one judge participates, the presiding judge shall be the senior active judge so participating or, in the case of a circuit court of appeals, the senior active circuit judge so participating, except that—

(A) in en banc sittings of any United States circuit court of appeals, the presiding judge shall be the chief judge of the circuit whenever the chief judge participates; and

(B) in en banc sittings of the Supreme Court of the United States, the presiding judge shall be the Chief Justice whenever the Chief Justice participates.

(2) **APPELLATE COURT OF THE UNITED STATES.**—The term “appellate court of the United States” means any United States circuit court of appeals and the Supreme Court of the United States.

(e) **SUNSET.**—The authority under subsection (b) shall terminate on the date that is 3 years after the date of the enactment of this Act.

### **TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS**

**SEC. 301. DISABILITY RETIREMENT AND COST-OF-LIVING ADJUSTMENTS OF ANNUITIES FOR TERRITORIAL JUDGES.**

Section 373 of title 28, is amended—

(1) by amending subsection (c)(4) to read as follows:

“(4) Any senior judge performing judicial duties pursuant to recall under paragraph (2) of this subsection shall be paid, while performing such duties, the same compensation (in lieu of the annuity payable under this section) and the same allowances for travel and other expenses as a judge on active duty with the court being served.”;

(2) by amending subsection (e) to read as follows:

“(e)(1) any judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands who is not reappointed (as judge of such court) shall be entitled, upon attaining the age of sixty-five years or upon relinquishing office if the judge is then beyond the age of sixty-five years—

“(A) if the judicial service of such judge, continuous or otherwise, aggregates fifteen years or more, to receive during the remainder of such judge’s life an annuity equal to the salary received when the judge left office, or

“(B) if such judicial service, continuous or otherwise, aggregated less than fifteen years, to receive during the remainder of such judge’s life an annuity equal to that proportion of such salary which the aggregate number of such judge’s years of service bears to fifteen.

“(2) Any judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands who has served at least five years, continuously or otherwise, and who retires or is removed upon the sole ground of mental or physical disability, shall be entitled to receive during the remainder of such judge’s life an annuity equal to 40 percent of the salary received when the judge left office or, in the case of a judge who has served at least ten years, continuously or otherwise, an annuity equal to that proportion of such salary which the aggregate number of such judge’s years of judicial service bears to fifteen.”; and

(3) by amending subsection (g) to read as follows:

“(g) Any retired judge who is entitled to receive an annuity under this section shall be entitled to a cost-of-living adjustment in the amount computed as specified in section 8340(b) of title 5, except that in no case may the annuity payable to such retired judge, as increased under this subsection, exceed the salary of a judge in regular active service with the court on which the retired judge served before retiring.”.

#### SEC. 302. FEDERAL JUDICIAL CENTER PERSONNEL MATTERS.

Section 625 of title 28, United States Code, is amended—

(1) in subsection (b)—

(A) by striking “, United States Code,”;

(B) by striking “pay rates, section 5316, title 5, United States Code” and inserting “under section 5316 of title 5, except that the Director may fix the compensation of 4 positions of the Center at a level not to exceed the annual rate of pay in effect for level IV of the Executive Schedule under section 5315 of title 5”; and

(C) by striking “the Civil Service” and all that follows through “Code” and inserting “subchapter III of chapter 83 of title 5 shall be adjusted pursuant to the provisions of section 8344 of such title, and the salary of a re-employed annuitant under chapter 84 of title 5 shall be adjusted pursuant to the provisions of section 8468 of such title”;

(2) in subsections (c) and (d) by striking “, United States Code,” each place it appears; and

(3) in subsection (d) by striking “, United States Code”.

#### SEC. 303. JUDICIAL ADMINISTRATIVE OFFICIALS RETIREMENT MATTERS.

(a) ELIMINATION OF MANDATORY RETIREMENT AGE FOR DIRECTOR OF FEDERAL JUDICIAL CENTER.—Section 627 of title 28, United States Code, is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) through (f) as subsections (a) through (e), respectively.

(b) CREDITABLE SERVICE FOR CERTAIN JUDICIAL ADMINISTRATIVE OFFICIALS.—

(1) Sections 611(d) and 627(d) (as redesignated by subsection (a) of this section) of title 28, United States Code, are each amended by inserting “a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives,” after “Congress,”; and

(2) Sections 611(b) and 627(b) (as redesignated by subsection (a) of this section) of such title are each amended—

(A) by striking “who has served at least fifteen years and” and inserting “who has at least fifteen years of service and has”; and

(B) in the first undesignated paragraph, by striking “who has served at least ten years,” and inserting “who has at least ten years of service,”.

(3) Sections 611(c) and 627(c) (as redesignated by subsection (a) of this section) of such title are each amended—

(A) by striking “served at least fifteen years,” and inserting “at least fifteen years of service,”; and

(B) by striking “served less than fifteen years,” and inserting “less than fifteen years of service,”.

**SEC. 304. JUDGES' FIREARMS TRAINING.**

(a) **IN GENERAL.**—Chapter 21 of title 28, United States Code, is amended by adding at the end the following new section:

**“§ 464. Carrying of firearms by judicial officers**

“(a) **AUTHORITY.**—A judicial officer of the United States is authorized to carry a firearm, whether concealed or not, under regulations promulgated by the Judicial Conference of the United States. The authority granted by this section shall extend only—

“(1) to those States in which the carrying of firearms by judicial officers of the State is permitted by State law, or—

“(2) regardless of State law, to any State in which the judicial officer of the United States sits, resides, or is present on official travel status.

“(b) **IMPLEMENTATION.**—

“(1) **REGULATIONS.**—The regulations promulgated by the Judicial Conference under subsection (a) shall—

“(A) require a demonstration of a judicial officer’s proficiency in the use and safety of firearms as a prerequisite to carrying of firearms under the authority of this section; and

“(B) ensure that the carrying of a firearm by a judicial officer under the protection of the United States Marshals Service while away from United States courthouses is consistent with Marshals Service policy on carrying of firearms by persons receiving such protection.

“(2) **ASSISTANCE BY OTHER AGENCIES.**—At the request of the Judicial Conference, the Attorney General and appropriate law enforcement components of the Department of Justice shall assist the Judicial Conference in developing and providing training to assist judicial officers in securing the proficiency referred to in paragraph (1).

“(c) **DEFINITION.**—For purposes of this section, the term ‘judicial officer of the United States’ means—

“(1) a justice or judge of the United States as defined in section 451 in regular active service or retired from regular active service;

“(2) a justice or judge of the United States who has been retired from the judicial office under section 371(a) for—

“(A) no longer than a 1-year period following such justice’s or judge’s retirement; or

“(B) a longer period of time if approved by the Judicial Conference of the United States when exceptional circumstances warrant;

“(3) a United States bankruptcy judge;

“(4) a full-time or part-time United States magistrate judge;

“(5) a judge of the United States Court of Federal Claims;

“(6) a judge of the United States District Court of Guam;

“(7) a judge of the United States District Court for the Northern Mariana Islands;

“(8) a judge of the United States District Court of the Virgin Islands; or

“(9) an individual who is retired from one of the judicial positions described under paragraphs (3) through (8) to the extent provided for in regulations of the Judicial Conference of the United States.

“(d) **EXCEPTION.**—Notwithstanding section 46303(c)(1) of title 49, nothing in this section authorizes a judicial officer of the United States to carry a dangerous weapon on an aircraft or other common carrier.”.

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) The table of sections for chapter 21 of title 28, United States Code, is amended—

(A) in the item relating to section 452, by striking “power” and inserting “powers”; and

(B) by adding at the end the following:

“464. Carrying of firearms by judicial officers.”.

(2) The section heading for section 453 of title 28, United States Code, is amended to read as follows:

**“§ 453. Oath of justices and judges”.**

(c) **EFFECTIVE DATE.**—The amendments made by subsection (a) and subsection (b)(1)(B) of this section shall take effect upon the earlier of the promulgation of regulations by the Judicial Conference under this section or one year after the date of the enactment of this Act.

**SEC. 305. REMOVAL OF AUTOMATIC EXCUSE FROM JURY SERVICE FOR MEMBERS OF THE ARMED SERVICES, MEMBERS OF FIRE AND POLICE DEPARTMENTS, AND PUBLIC OFFICERS.**

(a) **REMOVAL OF AUTOMATIC EXCUSE.**—Section 1863(b) of title 28, United States Code, is amended by striking paragraph (6) and redesignating subsequent paragraphs accordingly.

(b) **CONFORMING AMENDMENTS.**—Section 1869 of title 28, United States Code, is amended—

(1) by striking subsections (i) and (k);

(2) by redesignating subsection (j) as subsection (i) and by striking the semicolon at the end and inserting “; and”; and

(3) by redesignating subsection (l) as subsection (k).

(c) **SERVICE BY MEMBERS OF ARMED FORCES.**—(1) Section 982 of title 10, United States Code, is amended—

(A) by amending the section heading to read as follows:

**“§ 982. Members: service on Federal, State, and local juries”; and**

(B) in subsection (a) by striking “State or” and inserting “Federal, State, or”.

(2) The item relating to section 982 in the table of sections for chapter 49 of title 10, United States Code, is amended to read as follows:

“982. Members: service on Federal, State, and local juries.”.

**SEC. 306. EXPANDED WORKERS’ COMPENSATION COVERAGE FOR JURORS.**

Paragraph (2) of section 1877(b) of title 28, United States Code, is amended—

(1) by striking “or” at the end of clause (C); and

(2) by inserting before the period at the end of clause (D) “, or (E) traveling to or from the courthouse pursuant to a jury summons or sequestration order, or as otherwise necessitated by order of the court”.

**SEC. 307. PROPERTY DAMAGE, THEFT, AND LOSS CLAIMS OF JURORS.**

Section 604 of title 28, United States Code, is amended by adding at the end the following new subsection:

“(i) The Director may pay a claim by a person summoned to serve or serving as a grand juror or petit juror for loss of, or damage to, personal property that occurs incident to that person’s performance of duties in response to the summons or at the direction of an officer of the court. With respect to claims, the Director shall have the authority granted to the head of an agency by section 3721 of title 31, for consideration of employee’s personal property claims. The Director shall prescribe guidelines for the consideration of claims under this subsection.”.

**SEC. 308. ELIMINATION OF THE PUBLIC DRAWING REQUIREMENTS FOR SELECTION OF JUROR WHEELS.**

(a) **DRAWING OF NAMES FROM MASTER WHEEL.**—Section 1864(a) of title 28, United States Code, is amended—

(1) by striking “publicly” in the first sentence; and

(2) by inserting after the first sentence the following: “The clerk or jury commission shall post a general notice for public review in the clerk’s office explaining the process by which names are periodically and randomly drawn.”.

(b) **SELECTION AND SUMMONING OF JURY PANELS.**—Section 1866(a) of title 28, United States Code, is amended—

(1) by striking “publicly” in the second sentence; and

(2) by inserting after the second sentence the following: “The clerk or jury commission shall post a general notice for public review in the clerk’s office explaining the process by which names are periodically and randomly drawn.”.

**SEC. 309. ANNUAL LEAVE LIMIT FOR COURT UNIT EXECUTIVES.**

Section 6304(f)(1) of title 5, United States Code, is amended by adding at the end the following:

“(F) the judicial branch designated as a court unit executive position by the Judicial Conference of the United States.”.

**SEC. 310. PAYMENTS TO MILITARY SURVIVOR BENEFIT PLAN.**

Section 371(e) of title 28, United States Code, is amended by inserting after “such retired or retainer pay” the following: “, except such pay as is deductible from the retired or retainer pay as a result of participation in any survivor’s benefits plan in connection with the retired pay,”.

**SEC. 311. AUTHORIZATION OF A CIRCUIT EXECUTIVE FOR THE FEDERAL CIRCUIT.**

Section 332 of title 28, United States Code, is amended by adding at the end the following new subsection:

“(h)(1) The United States Court of Appeals for the Federal Circuit may appoint a circuit executive, who shall serve at the pleasure of the court. In appointing a circuit executive, the court shall take into account experience in administrative and executive positions, familiarity with court procedures, and special training. The circuit executive shall exercise such administrative powers and perform such duties as may be delegated by the court. The duties delegated to the circuit executive may include but need not be limited to the duties specified in subsection (e) of this section, insofar as they are applicable to the Court of Appeals for the Federal Circuit.

“(2) The circuit executive shall be paid the salary for circuit executives established under subsection (f) of this section.

“(3) The circuit executive may appoint, with the approval of the court, necessary employees in such number as may be approved by the Director of the Administrative Office of the United States Courts.

“(4) The circuit executive and staff shall be deemed to be officers and employees of the United States within the meaning of the statutes specified in subsection (f).

“(5) The court may appoint either a circuit executive or a clerk under section 711 of this title, but not both, or may appoint a combined circuit executive/clerk who shall be paid the salary of a circuit executive.”.

#### **SEC. 312. AMENDMENT TO THE JURY SELECTION PROCESS.**

Section 1865 of title 28, United States Code, is amended—

(1) in subsection (a) by inserting “or the clerk under supervision of the court if the court’s jury selection plan so authorizes,” after “jury commission,”; and

(2) in subsection (b) by inserting “or the clerk if the court’s jury selection plan so provides,” after “may provide,”.

#### **SEC. 313. SUPPLEMENTAL ATTENDANCE FEE FOR PETIT JURORS SERVING ON LENGTHY TRIALS.**

Section 1871(b)(2) of title 28, United States Code, is amended by striking “thirty” each place it appears and inserting “five”.

### **TITLE IV—CRIMINAL JUSTICE ACT AMENDMENTS**

#### **SEC. 401. MAXIMUM AMOUNTS OF COMPENSATION FOR ATTORNEYS.**

Paragraph (2) of subsection (d) of section 3006A of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking “\$3,500” and inserting “\$5,400”;

(B) by striking “\$1,000” and inserting “\$1,600”;

(2) in the second sentence by striking “\$2,500” and inserting “\$3,900”;

(3) in the third sentence—

(A) by striking “\$750” and inserting “\$1,200”; and

(B) by striking “\$2,500” and inserting “\$3,900”;

(4) by inserting after the second sentence the following new sentence: “For representation of a petitioner in a non-capital habeas corpus proceeding, the compensation for each attorney shall not exceed the amount applicable to a felony in this paragraph for representation of a defendant before a judicial officer of the district court. For representation of such petitioner in an appellate court, the compensation for each attorney shall not exceed the amount applicable for representation of a defendant in an appellate court.”; and

(5) in the last sentence by striking “750” and inserting “1,200”.

#### **SEC. 402. MAXIMUM AMOUNTS OF COMPENSATION FOR SERVICES OTHER THAN COUNSEL.**

Section 3006A(e) of title 18, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A) by striking “300” and inserting “500”; and

(B) in subparagraph (B) by striking “300” and inserting “500”; and

(2) in paragraph (3) in the first sentence by striking “1,000” and inserting “1,600”.

#### **SEC. 403. TORT CLAIMS ACT AMENDMENTS RELATING TO LIABILITY OF FEDERAL PUBLIC DEFENDERS.**

Section 2671 of title 28, United States Code, is amended in the second paragraph—

(1) by inserting “(1)” after “includes”; and

(2) by striking the period at the end and inserting the following: “, and (2) any officer or employee of a Federal Public Defender Organization, except when such officer or employee performs professional services in the course of providing representation under section 3006A of title 18.”.

#### PURPOSE AND SUMMARY

The Subcommittee on Courts and Intellectual Property oversees the operation of Federal Courts created under Article III of the Constitution. H.R. 1752, the "Federal Courts Improvement Act of 1999," contains several provisions that are needed to improve the Federal Court System. It is designed to improve administration and procedures, eliminate operational inefficiencies, and, to the extent prudent, reduce operating expenses.

The bill affects a wide range of judicial branch programs and operations. It addresses judicial financial administration, judicial process improvements, judiciary personnel administration, benefits and protections, and Criminal Justice Act amendments which affect the Federal Judiciary.

#### BACKGROUND AND NEED FOR THE LEGISLATION

H.R. 1752, the "Federal Courts Improvement Act of 1999," was introduced on July 30, 1997, at the request of the Judicial Conference of the United States.

Periodically, the Judicial Conference submits to the Congress proposals that it believes are necessary to improve the Federal Court System. The Judicial Conference is supported by the Administrative Office of the United States Courts. It is the policy-making body of the Federal judiciary, and through a committee system evaluates court operations. Also, the circuit judicial councils of the regional districts have statutory responsibility for certain administrative and operational matters. Most of the provisions of H.R. 1752 were developed within the judiciary and approved by the Judicial Conference.

The provisions contained in H.R. 1752 address administrative, financial, personnel, organizational and technical changes that are needed by the Article III Federal courts and their supporting agencies. These provisions are designed to have a positive impact on the operations of the federal courts and enhance the delivery of justice in the federal system.

#### HEARINGS

The Committee's Subcommittee on Courts and Intellectual Property held a hearing on H.R. 1752 on June 16, 1999. Testimony was received from The Honorable Joel B. Rosen, United States Magistrate Judge, Camden, New Jersey, President, Federal Magistrate Judges Association, and The Honorable Harvey F. Schlesinger, Judge, United States District Court for the Middle District of Florida.

#### COMMITTEE CONSIDERATION

On July 15, 1999, the Subcommittee on Courts and Intellectual Property met in open session and ordered favorably reported the bill H.R. 1752, as amended, by voice vote, a quorum being present. On July 27, 1999, the Committee met in open session and ordered favorably reported the bill H.R. 1752, as amended by a single amendment in the nature of a substitute, by voice vote, a quorum being present.

## VOTES OF THE COMMITTEE

The votes of the Committee were as follows:

On the Amendment offered by Mr. Scott to the Amendment in the Nature of a Substitute to eliminate the provision on Judges' Firearms Training: The Amendment was defeated by a recorded vote of 7 to 11.

The following Members voted Aye: Representatives Sensenbrenner, Conyers, Berman, Scott, Lofgren, Meehan, and Rothman.

The following Members voted No: Chairman Hyde and Representatives Gekas, Coble, Smith, Goodlatte, Chabot, Hutchinson, Pease, Rogan, Vitter, and Boucher.

On the Amendment to the Chabot/Delahunt Amendment to the Amendment in the Nature of a Substitute offered by Mr. Watt to give federal judges authority to allow media coverage of court proceedings only with the consent of all named parties: The Amendment was adopted by a recorded vote of 17 to 15.

The following Members voted Aye: Chairman Hyde and Representatives Sensenbrenner, Smith, Gallegly, Canady, Goodlatte, Jenkins, Cannon, Graham, Bono, Frank, Boucher, Scott, Watt, Lofgren, Waters, and Baldwin.

The following Members voted No: Representatives McCollum, Gekas, Coble, Chabot, Hutchinson, Rogan, Vitter, Conyers, Berman, Nadler, Meehan, Delahunt, Wexler, Rothman, and Weiner.

## COMMITTEE ON GOVERNMENT REFORM FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives.

## NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House Rule XIII is inapplicable because this legislation does not provide new budget authority or increased tax expenditures.

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of Rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 1752, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, August 31, 1999.*

Hon. HENRY J. HYDE, *Chairman,*  
*Committee on the Judiciary,*  
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1752, the Federal Courts Improvement Act of 1999.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Susanne S. Mehlman

(for federal costs), who can be reached at 226–2860, Lisa Cash Driskill (for the state and local impact), who can be reached at 225–3220, and John Harris (for the private-sector impact), who can be reached at 226–2618.

Sincerely,

DAN L. CRIPPEN, *Director*.

*H.R. 1752—Federal Courts Improvement Act of 1999.*

#### SUMMARY

H.R. 1752 would make numerous operational and administrative changes to the federal court system. CBO estimates that implementing H.R. 1752 would cost \$186 million over the 2000–2004 period, subject to appropriation of the necessary funds. H.R. 1752 would also increase direct spending by about \$20 million in fiscal year 2001, but in subsequent years any effects on direct spending and receipts would be negligible. Because H.R. 1752 would affect direct spending and receipts, pay-as-you-go procedures would apply.

H.R. 1752 contains intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA), but CBO estimates the costs would be small and would not meet the threshold established in that act (\$50 million in 1996, adjusted annually for inflation).

H.R. 1752 would impose one new private-sector mandate as defined in UMRA by eliminating the automatic exemption from federal jury service now granted to military personnel, police officers, firefighters, and certain public officials. CBO estimates that the total cost of this mandate would fall below the threshold established in UMRA (\$100 million in 1996, adjusted annually for inflation).

#### DESCRIPTION OF THE BILL'S MAJOR PROVISIONS

Section 201 would authorize additional magistrate judgeships for Guam and the Northern Mariana Islands. (Magistrate judges serve as adjuncts to district judges, and they perform a variety of judicial duties, such as trying misdemeanor cases and conducting preliminary hearings.) Unlike the salaries and benefits of Article III judges and Supreme Court justices, the salaries and benefits of magistrate judges are not considered mandatory. Section 206 would authorize appropriations for the federal substance abuse treatment program. Other sections of H.R. 1752 could affect spending subject to appropriation, but CBO expects that their budgetary effects would not be significant.

Section 101 would allow the Administrative Office of the United States Courts (AOUSC) to be reimbursed for expenses incurred related to forfeiture cases out of funds in the Department of Justice's (DOJ's) Assets Forfeiture Fund and the Treasury Forfeiture Fund. Section 104 would enable the court districts in Alabama and North Carolina to assess quarterly fees on debtors in chapter 11 cases. Other sections of H.R. 1752 could affect direct spending and receipts, but CBO expects that their budgetary effects would not be significant.



## ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 1752 is shown in the following table. The costs of this legislation fall within budget function 750 (administration of justice).

By fiscal year, in millions of dollars					
	2000	2001	2002	2003	2004
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Additional Magistrate Judgeships for Guam and the Northern Mariana Islands (Section 201)					
Estimated Authorization Level	0	a	1	1	1
Estimated Outlays	0	a	1	1	1
Federal Substance Abuse Treatment Program (Section 206)					
Estimated Authorization Level	35	36	37	38	39
Estimated Outlays	33	36	37	38	39
Total Changes in Discretionary Spending					
Estimated Authorization Level	35	36	38	39	40
Estimated Outlays	33	36	38	39	40
CHANGES IN DIRECT SPENDING					
Spending of Receipts from Forfeitures (Section 101)					
Estimated Budget Authority	0	20	a	a	a
Estimated Outlays	0	20	a	a	a

a. Less than \$500,000.

## BASIS OF ESTIMATE

For purposes of this estimate, CBO assumes that H.R. 1752 will be enacted by October 1, 1999, and that the estimated authorization amounts will be appropriated for each fiscal year.

*Spending Subject to Appropriation*

Based on information from the AOUSC, CBO expects that by fiscal year 2001 one-half of one judge-workyear would be added in Guam and by fiscal year 2002 one-half of one judge-workyear would be added in the Northern Mariana Islands under section 201. CBO estimates that first-year costs for implementing section 201 would be about \$400,000; annual costs in subsequent years would be about \$700,000.

Based on historical expenditures for the federal substance abuse treatment program that would be reauthorized by section 206, CBO estimates that the AOUSC would require an appropriation of \$35 million in fiscal year 2000 and a total of \$185 million over the next five years, assuming annual adjustments for anticipated inflation. The 1999 appropriation for this program is \$34 million. Alternatively, if no increases to cover inflation are assumed, the program's costs would total \$170 million over the next five years.

Other sections of H.R. 1752 could affect spending subject to appropriation, but CBO expects that their budgetary effects would not be significant.

*Direct Spending and Receipts*

Section 101 would require that the AOUSC be reimbursed for forfeiture-related activities out of funds deposited into the Assets

Forfeiture Fund and the Treasury Forfeiture Fund. Currently, the AOUSC is not reimbursed for its forfeiture-related activities; all expenses are covered by discretionary appropriations. This provision would limit the amount available for reimbursement in any fiscal year to the lesser of 10 percent of the total receipts deposited into the funds or \$50 million. Based on information from the AOUSC and DOJ, CBO estimates that the AOUSC would most likely receive about \$50 million annually from the funds. Over the last several years the forfeiture funds have realized a temporary surplus. Such amounts have averaged about \$50 million a year and are usually spent over the subsequent three to four years. CBO estimates that enacting the reimbursement provision would speed up direct spending of the surplus amounts from both forfeiture funds, resulting in net direct spending of about \$20 million in fiscal year 2001. (Before being reimbursed, the AOUSC must submit a report detailing its expenses no later than 90 days after the end of the fiscal year in which the expenses were incurred; thus, outlays associated with the reimbursement would not occur until fiscal year 2001, assuming enactment by October 1, 1999.) Beginning in fiscal year 2002, CBO estimates that the net effect on direct spending from the forfeiture funds would be negligible.

Section 104 would enable the court districts in Alabama and North Carolina to assess quarterly fees in chapter 11 cases. Currently, chapter 11 debtors in these districts are not subject to the quarterly filing fees that are levied on chapter 11 debtors in U.S. Trustee districts. According to the AOUSC and the U.S. Trustees, about 260 cases would be affected each year under this section, and the average quarterly fee for such cases is about \$1,000. Thus, CBO estimates that enacting section 104 would generate about \$1 million per year in additional fees. These fees would be available for spending for the operation and maintenance of the courts without appropriation action. Because these fees would be mostly spent in the same year in which they are collected, CBO estimates that enacting this provision would have no significant net impact on direct spending each year.

Various other provisions of H.R. 1752 could affect direct spending and governmental receipts, but CBO estimates that any such effects would not be significant.

## PAY-AS-YOU-GO CONSIDERATIONS

The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes in outlays and governmental receipts that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding four years are counted.

[illegible]

## ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

H.R. 1752 contains intergovernmental mandates as defined in the Unfunded Mandates Reform Act, but CBO estimates the costs would not be significant and would not meet the threshold established in that act (\$50 million in 1996, adjusted annually for inflation). The bill would preempt state firearm laws by permitting judicial officers of the United States to carry a firearm without a state permit. Based on information from the Administrative Office of the United States Courts, CBO estimates that of the 1,200 judges that would be eligible to carry a firearm without a state permit, fewer than 100 likely would pursue this option and thus would not be required to pay state permit fees. Because permit fees in the states that allow the carrying of a firearm are generally less than \$150, the effect of this bill on state budgets would be insignificant.

The bill also would remove the exemption from federal jury duty that currently exists for employees of fire and police departments and public officials. Under current law, employers are prohibited from firing, intimidating, or coercing employees who are called to serve on a federal jury. Removing the exemption would extend this mandate to state and local governments that employ the workers newly eligible for jury duty. State and local governments would incur direct costs only to the extent that they would be required to replace employees serving on a jury in order to maintain full staffing levels. Because the newly eligible employees would make up less than one percent of those eligible for service on a federal jury, CBO estimates that the overall effect of this provision on state and local governments would be small.

## ESTIMATED IMPACT ON THE PRIVATE SECTOR

Under current law, military personnel, police officers, firefighters, and certain public officials are automatically exempt from federal jury service. Section 305 of H.R. 1752 would eliminate this exemption, requiring such individuals to, if selected, serve on grand and petit juries in United States District Courts and would thus create a new private-sector mandate. Based on information from the AOUSC, CBO estimates that the total cost of this mandate would fall below the inflation-adjusted threshold established in UMRA (\$100 million in 1996).

Few currently exempt individuals would be selected for federal jury duty. Currently, exempt individuals make up roughly 1 percent of the population eligible for federal jury duty. Of the eligible population, less than two-tenths of one percent serve on federal juries each year. Even if called, military personnel, police officers, firefighters, and public officials are relatively less likely to be selected to sit on a jury because of their occupations. It is also possible that some district courts may preserve the exemption for some of these groups. Federal law allows district courts to establish their own juror selection plans, and these plans are often modeled after those of the states in which the district courts reside. Twenty-seven states still allow some automatic exemptions based on occupation, and the district courts (or divisions of district courts) in these states may therefore choose to retain these exemptions.

ESTIMATE PREPARED BY:

Federal Costs: Susanne S. Mehlman (226–2860)  
 Impact on State, Local, and Tribal Governments: Lisa Cash  
 Driskill (225–3220)  
 Impact on the Private Sector: John Harris (226–2618)

ESTIMATE APPROVED BY:

Paul N. Van de Water  
 Assistant Director for Budget Analysis

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of the Rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in Article III, section 1 of the Constitution.

SECTION-BY-SECTION ANALYSIS

Sec. 1. Short Title and Table of Contents: This section states that this Act may be cited at the “Federal Courts Improvement Act of 1999”.

Section 101: Reimbursement of Judiciary For Civil and Criminal Forfeiture Expenses: This amends section 524(c) of title 28, United States Code, to authorize reimbursement of the judicial branch, out of funds in the Department of Justice Asset Forfeiture Fund and the Department of Treasury Asset Forfeiture Fund, for certain expenses incurred by the Judicial Branch in connection with adjudications of asset forfeitures; the provision of defense services pursuant to the Criminal Justice Act (CJA), 18 U.S.C. § 3006A, or pursuant to 21 U.S.C. § 848(q), to persons whose assets have been forfeited; and the furnishing of home detention services and equipment.

Section 102: Transfer of Retirement Funds: This amendment would allow the judiciary’s contributions to the Civil Service Retirement Fund (CSRF) to be paid back to the judiciary when bankruptcy and magistrate judges for whom the contributions were made elect to transfer from the Civil Service Retirement System (CSRS) or the Federal Employees’ Retirement System (FERS) to the 28 U.S.C. § 377 retirement program established by the provisions of the Retirement and Survivors’ Annuities for Bankruptcy Judges and Magistrates Act of 1988 (Pub. L. No. 100–659).

Section 103: Judiciary Information Technology Fund: This section eliminates a provision in the “Information Technology Management Reform Act” (ITMRA, also known as the Clinger-Cohen Act of 1996) which subjects the Fund to the budget management process of the executive branch. This section also clarifies the phrase “information technology” in Section 5602 of the IMTRA which replaced the phrase “automatic data processing” in the repealed Brooks Automatic Data Processing Act.

Section 104: Bankruptcy Fees: This section would authorize the Judicial Conference to implement fees in the bankruptcy administrator program in the judicial districts in the states of Alabama and North Carolina similar to those currently imposed by 28 U.S.C. § 1930(a)(6). In 1986, Congress expanded an 18-court pilot program

of U.S. Trustees into the U.S. Trustee Program, with U.S. Trustees in 21 regions throughout the country. Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986, Public Law No. 99-554, 100 Stat. 3088 (1986). This act authorized the Judicial Conference to establish bankruptcy administrators programs, in lieu of the U.S. Trustee program, in six judicial districts in the states of Alabama and North Carolina. Currently, debtors in the United States trustee and bankruptcy administrator districts pay the same fees when filing for bankruptcy, but chapter 11 debtors in bankruptcy administrator districts are not subject to the additional fees on quarterly disbursements that are subsequently levied on chapter 11 debtors in United States trustees districts.

Section 105: Disposition of Miscellaneous Fees: This provision would allow the judiciary to retain any additional offsetting receipts derived from increases in miscellaneous fees charged in the federal courts of appeals, district courts, bankruptcy courts, the Court of Federal Claims, and the Judicial Panel on Multidistrict Litigation.

This provision responds to a directive from congressional appropriations committees that the judiciary identify ways to increase offsetting receipts.

Section 106: Repeal of Statute Setting Court of Federal Claims Filing Fee: This section would repeal §2520 of title 28, United States Code, which provides for a filing fee for the United States Court of Federal Claims. The statute predates the Judicial Conference's authorization to establish a miscellaneous fee schedule for the Court of Federal Claims under §1926 of title 28, United States Code, and therefore is no longer necessary.

Section 107: Technical Amendment Relating to the Treatment of Certain Bankruptcy Fees Collected: This section would retain the current revenue structure while allowing for the renumbering of the Bankruptcy Fee Schedule that is required due to the repeal of outdated fees. Pursuant to Public Law No. 101-162, all revenues received from miscellaneous fees numbered as items 1 through 18 of the Bankruptcy Fee Schedule are deposited into the general Treasury, with the exception of item 8 related to costs of noticing, which is deposited to the "Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses" appropriation pursuant to section 404(a) of Public Law No. 101-162. Revenues received from fees numbered higher than item 18 are deposited, pursuant to section 406(b) of Public Law No. 101-162, into the special fund for the judiciary established under 28 U.S.C. §1931 and are available to offset funds that are appropriated by Congress for the operation and maintenance of the courts. This section would continue the existing structure by requiring that fees established prior to the enactment of the legislation establishing the judiciary fund, with the exception of noticing fees, be deposited into the general Treasury, and any fees established after that date be deposited into the judiciary fund.

Section 108: Increase in Fee for Converting a Chapter 7 of Chapter 13 Bankruptcy Case to a Chapter 11 Bankruptcy Case: This section would make the fee for converting a chapter 7 (liquidation) or chapter 13 (individual debt adjustment) bankruptcy case to a chapter 11 (reorganization) case equal to the filing fee for a chapter

11 case. This would correct the inconsistency that occurs when a petitioner files a case under chapter 7 for an initial fee \$175 or chapter 13 for an initial fee of \$160 and then converts the case to a chapter 11 case for a conversion fee of \$400. In those instances, the total amount paid (\$575 and \$560, respectively) is less than the \$800 fee for originally filing a case under chapter 11.

Section 109: Increase in Chapter 9 Bankruptcy Filing Fee: This section would increase the fee for filing bankruptcy petitions under chapter 9 (debt adjustment for municipalities) from \$300 to the fee for filing petitions under chapter 11 (reorganization), which is \$800. This increase reflects more accurately the judicial resources required to process chapter 9 cases, which are procedurally similar to chapter 11 cases. The resulting increase would be deposited into the special judiciary fund in the Treasury and would be available to offset funds that are appropriated by Congress for the operation and maintenance of the courts.

Section 110: Creation of Certifying Officers in the Judicial Branch: This section would enable the Director of the Administrative Office of the United States Courts to appoint certifying officials in the various court units who would be responsible for the propriety of payments they request. It would also enable the Director of the AO to appoint disbursing officials in the various court units who would be responsible for ensuring that payment requests are proper, certified and approved.

Section 111: Fee Authority for Technology Resources in the Courts: This section provides the judiciary with the authority to set, collect, and retain fees for the use of new technologies provided by the courts.

Section 201: Extension of Statutory Authority for Magistrate Judge Positions to be Established in the District Courts of Guam and the Northern Mariana Islands: This section is the result of the Judicial Conference's conclusion that it was appropriate to seek an amendment to the Federal Magistrates Act, 28 U.S.C. §§ 631–639 as amended, to extend authority to establish magistrate judge positions to the district courts of Guam and the Northern Mariana Islands. Currently, the Act does not authorize the Judicial Conference to establish magistrate judge positions there.

Section 202: Magistrate Judge Contempt Authority: Section 636(e)(1)—This section provides that a United States magistrate judge shall be given the power to exercise contempt authority as set forth in the other provisions of the amended § 636(e) within the territorial jurisdiction prescribed by his or her appointment.

Section 636(e)(2)—This section provides magistrate judges with summary criminal contempt authority to punish any misbehavior occurring in their presence.

Section 636(e)(3)—This provision gives magistrate judges additional criminal contempt authority in civil consent cases under 28 U.S.C. § 636(c). This section also provides expanded criminal contempt authority to magistrate judges in misdemeanor cases under 18 U.S.C. § 3401.

Section 636(e)(4)—This section authorizes magistrate judges to exercise civil contempt authority in civil consent cases under 28 U.S.C. § 636(c), and in misdemeanor cases under 18 U.S.C. § 3401.

Section 636(e)(5)—This section establishes limits on the penalties magistrate judges may impose for criminal contempts.

Section 636(e)(6)—Some contumacious conduct may be so egregious as to require more severe punishment. In such situations, this section provides that the certification procedure set forth in the current 28 U.S.C. § 636(e) shall be retained.

Section 636(e)(7)—This section provides that in civil consent cases under § 636(c), an appeal from a magistrate judge’s contempt order would be heard by the court of appeals under 28 U.S.C. § 636(c)(3). In misdemeanor cases under 18 U.S.C. § 3401, an appeal of a contempt order would be heard by the district judge under § 3402. In any other proceeding in which a magistrate judge presides under 28 U.S.C. §§ 636(a) or (b), or any other statute, the appeal of a magistrate judge’s summary contempt order is made to the district court.

Section 203: Consent to Magistrate Judge Authority in Petty Offense Cases and Magistrate Judge Authority in Misdemeanor Cases Involving Juvenile Defendants: Currently, U.S. Magistrate Judges may try petty offense cases that are Class B misdemeanors charging a motor vehicle offense, Class C misdemeanors, and infractions, without the consent of the defendant. This new section removes the consent requirement in all other petty offense cases involving juvenile defendants.

Section 204: Savings and Loan Data Reporting Requirements: This section would eliminate the Congressional requirement that the Administrative Office report data regarding savings and loan cases.

Section 205: Place of Holding Court in the Eastern District of Texas: This amendment would implement the March 1991 Judicial Conference proposal to designate Plano, Texas as a place of holding court in the Eastern District of Texas. In addition, the provision clarifies that court for the Eastern District of Texas and the Western District of Arkansas may be held anywhere in the Federal Courthouse which sits astride the Texas-Arkansas state line.

Section 206: Federal Substance Abuse Treatment Program Reauthorization: This amendment reauthorizes appropriations for fiscal year 2000 and subsequent years “such sums as may be necessary to carry out” the drug and alcohol aftercare program for federal offenders administered by the Probation and Pretrial Services Division of the Administrative Office of the United States Courts pursuant to the authority granted in the Director of the Administrative Office under 18 U.S.C. § 3672.

Section 207: Membership in Circuit Judicial Councils: This section amends 28 U.S.C. § 332(a) to enhance judge participation in the federal judiciary’s internal governance process by equalizing the representation of circuit judges and district judges on circuit judicial councils and establishing the eligibility of senior circuit and district judges to serve as member of those councils.

Section 208: Sunset of Civil Justice Expense and Delay Reduction Plans: This section sunsets 28 U.S.C. § 471.

Section 209: Technical Bankruptcy Correction: Title 11, United States Code, section 1228 contains incorrect cross references to 11 U.S.C. § 1222(b)(10). This section corrects those errors.

Section 210: Authority of Presiding Judge to Allow Media Coverage of Court Proceedings: This section gives the presiding judge of an appellate court of the United States the discretion to permit, with the consent of all named parties, the photographing, electronic recording, broadcasting, or televising to the public of court proceedings over which that judge presides.

It also gives the presiding judge of a district court of the United States the discretion to permit, with the consent of all named parties, the photographing, electronic recording, broadcasting, or televising to the public of court proceedings over which that judge presides. Upon the request of any witness that is not a party, the court shall obscure the face and the voice of the witness so that the witness is unrecognizable to the broadcast audience of that trial proceeding. The presiding judge shall inform witnesses of this right.

The Judicial Conference of the United States is authorized to establish guidelines to which a presiding judge must refer in making decisions with respect to consistent criteria to be applied in the exercise of the discretion of the presiding judge and to the management and administration of media coverage.

Section 301: Disability Retirement and Cost-of-Living Adjustments of Annuities for Territorial Judges: This section gives territorial judges in the district courts of Guam, the Northern Mariana Islands, and the Virgin Islands comparable retirement arrangements as other judges.

Section 302: Federal Judicial Center Personnel Matters: This amendment would restore the parity in the salary levels of the Federal Judicial Center's senior staff and that of the Administrative Office of the United States Courts by authorizing the Director of the Center to set the compensation of a limited number of Center professional employees at levels equivalent to Level IV of the Executive Schedule pay rates. The proposed language would limit the Federal Judicial Center to increase in four positions. The amendment also corrects a misspelling in the original statute.

Section 303: Judicial Administrative Officials Retirement Matters: This section allows credit for prior legislative branch service of a comparable rank and responsibility to the Executive Branch service for purposes of retirement by the Directors of the Administrative Office of the United States Courts and the Federal Judicial Center and the Administrative Assistant to the Chief Justice of the United States Courts.

Section 304: Judges' Firearms Training: This section authorizes federal judges (including magistrate judges and bankruptcy judges) to carry firearms for purposes of personal security and to establish a mandatory firearms training program.

Section 305: Removal of Automatic Excuse from Jury Service for Members of the Armed Services, Members of Fire and Police Departments, and Public Officers: This section eliminates two categories of exemptions from jury service: (1) members of state and local fire or police departments; and (2) "public officers" of federal and state governments.

Section 306: Expanded Workers' Compensation Coverage for Jurors: The Jury Act currently extends Federal Employees' Compensation Act (workers' compensation) coverage to persons sum-



moned for jury duty in the federal courts when they are “(A) in attendance at court pursuant to a summons, (b) in deliberation, (C) sequestered by order of a judge, or (D) at a site, by order of the court, for the taking of a view.” 28 U.S.C. § 1877(b)(2). This amendment extends FECA protection to jurors while they are traveling to or from court.

Section 307: Property Damage, Theft, and Loss Claims of Jurors: This section would authorize the Director of the Administrative Office of the United States Courts to compensate jurors and prospective jurors for their personal property when it is lost or damaged during their official service.

Section 308: Elimination of the Public Drawing Requirements for Selection of Juror Wheels: This section eliminates the noticing and public drawing requirements for selecting names from jury wheels. This section would eliminate the requirement to post a separate notice for each drawing from the master and qualified wheels, as well as the requirement to draw names publicly and/or to post public notices. Instead, one general notice will be posted in the clerk’s office that explains the process by which names are randomly and periodically drawn from the wheels.

Section 309: Annual Leave Limit for Court Unit Executives: This section would amend section 6304(f) of title 5, United States Code, in order to exempt court unit executive positions designated by the Judicial Conference of the United States from the provisions of the Leave Act that prevent most Federal employees from carrying over more than 240 hours of annual leave from one year to the next. Instead, it would make applicable to court unit executives the 720 hour maximum carry over amount of annual leave that has already been established for members of the Executive Branch’s Senior Executive Services.

Section 310: Payments to Military Survivor Benefit Plan: This section entitles Article III judges to have contributions made to the Military Survivor Benefit Plan on their behalf from the military retirement fund even though they are ineligible to receive retired pay from that fund while in regular active service. These judges, unlike other former military retirees employed by the federal government, do not have contributions made to the MSBP on their behalf from the military retirement fund, as is provided under the Dual Compensation Act 5 U.S.C. § 5532(c)(2)(B).

Section 311: Authorization of a Circuit Executive for the Federal Circuit: Section 413 of the bill adds a new subsection (h) to section 332 of title 28, United States Code, to permit the United States Court of Appeals for the Federal Circuit to appoint a circuit executive. However, the Federal Circuit would not be able to have both a clerk of court appointed under 28 U.S.C. § 711 and a circuit executive, although it could appoint a combined circuit executive/clerk.

Section 312: Amendment to the Jury Selection Process: This section amends the Jury Selection and Service Act, 28 U.S.C. § 1865, to permit the chief judge to authorize the clerk of the court, under the supervision of the court (and if provided for in the court’s jury selection plan), to determine whether persons are qualified, unqualified, exempt, or excused from jury service.

Section 313: Supplemental Attendance Fee for Petit Jurors Serving on Lengthy Trials: This section amends 28 U.S.C. § 1871(b)(2)

by shortening the number of days that a juror is required to serve before he or she is eligible for the supplemental daily fee authorized by this section. Currently, a juror who is required to serve more than thirty days is permitted to receive an additional ten dollars a day, above the established juror fee.

Section 401: Maximum Amounts of Compensation for Attorneys: This section increases the case compensation maximum amounts for attorneys by approximately the rate of inflation since 1986 (44%), the last year case compensation maximums were increased. This section also changes the case compensation maximum applicable to counsel representing non-capital habeas corpus petitioners.

Section 402: Maximum Amounts of Compensation for Services Other than Counsel: This section increases the compensation maximums of investigators, experts, and other service providers by approximately the rate of inflation since 1986 (44%), the last year case compensation maximums were increased.

Section 403: Tort Claims Act Amendment Relating to Liability of Federal Public Defenders: The amendment made by this section would exempt federal public defenders from the Tort Claims Act for claims related to representational services and rely instead on the malpractice provisions of 18 U.S.C. § 3006A(g)(3) specifically enacted in 1986 to deal with such claims.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

### TITLE 28, UNITED STATES CODE

\* \* \* \* \*

### PART I—ORGANIZATION OF COURTS

\* \* \* \* \*

### CHAPTER 5—DISTRICT COURTS

\* \* \* \* \*

#### § 83. Arkansas

Arkansas is divided into two judicial districts to be known as the Eastern and Western Districts of Arkansas.

\* \* \* \* \*

#### Western District

(b) The Western District comprises six divisions.

(1) The Texarkana Division comprises the counties of Hempstead, Howard, Lafayette, Little River, Miller, Nevada, and Sevier.

Court for the Texarkana Division shall be held at Texarkana, *and may be held anywhere within the Federal courthouse in Texarkana that is located astride the State line between Texas and Arkansas.*

\* \* \* \* \*

#### § 124. Texas

Texas is divided into four judicial districts to be known as the Northern, Southern, Eastern, and Western Districts of Texas.

\* \* \* \* \*

#### Eastern District

(c) The Eastern District comprises seven divisions.

(1) \* \* \*

\* \* \* \* \*

(3) The Sherman Division comprises the counties of Collin, Cook, [Denton, and Grayson] *Delta, Denton, Fannin, Grayson, Hopkins, and Lamar.*

Court for the Sherman Division shall be held at Sherman *and Plano.*

[(4) The Paris Division comprises the counties of Delta, Fannin, Hopkins, Lamar, and Red River.

][Court for the Paris Division shall be held at Paris.]

[(5)] (4) The Marshall Division comprises the counties of Camp, Cass, Harrison, Marion, Morris, and Upshur. Court for the Marshall Division shall be held at Marshall.

[(6)] (5) The Texarkana Division comprises the counties of Bowie, Franklin, *Red River*, and Titus.

Court for the Texarkana Division shall be held at Texarkana, *and may be held anywhere within the Federal courthouse in Texarkana that is located astride the State line between Texas and Arkansas.*

[(7)] (6) The Lufkin Division comprises the counties of Angelina, Houston, Nacogdoches, Polk, Sabine, San Augustine, Shelby, Trinity, and Tyler.

Court for the Lufkin Division shall be held at Lufkin.

\* \* \* \* \*

### CHAPTER 15—CONFERENCES AND COUNCILS OF JUDGES

\* \* \* \* \*

#### § 332. Judicial councils of circuits

(a)(1) \* \* \*

\* \* \* \* \*

[(3) Only circuit and district judges in regular active service shall serve as members of the council.]

(3) *Except for the chief judge of the circuit, either judges in regular active service or judges retired from regular active serv-*

*ice under section 371(b) of this title may serve as members of the council.*

\* \* \* \* \*

(5) In the event of the death, resignation, [retirement,] retirement pursuant to section 371(a) or section 372(a) of this title, or disability of a member of the council, a replacement member shall be designated to serve the remainder of the unexpired term by the chief judge of the circuit.

\* \* \* \* \*

(h)(1) *The United States Court of Appeals for the Federal Circuit may appoint a circuit executive, who shall serve at the pleasure of the court. In appointing a circuit executive, the court shall take into account experience in administrative and executive positions, familiarity with court procedures, and special training. The circuit executive shall exercise such administrative powers and perform such duties as may be delegated by the court. The duties delegated to the circuit executive may include but need not be limited to the duties specified in subsection (e) of this section, insofar as they are applicable to the Court of Appeals for the Federal Circuit.*

(2) *The circuit executive shall be paid the salary for circuit executives established under subsection (f) of this section.*

(3) *The circuit executive may appoint, with the approval of the court, necessary employees in such number as may be approved by the Director of the Administrative Office of the United States Courts.*

(4) *The circuit executive and staff shall be deemed to be officers and employees of the United States within the meaning of the statutes specified in subsection (f).*

(5) *The court may appoint either a circuit executive or a clerk under section 711 of this title, but not both, or may appoint a combined circuit executive/clerk who shall be paid the salary of a circuit executive.*

\* \* \* \* \*

## CHAPTER 17—RESIGNATION AND RETIREMENT OF JUSTICES AND JUDGES

\* \* \* \* \*

### § 371. Retirement on salary; retirement in senior status

(a) \* \* \*

\* \* \* \* \*

(e) Notwithstanding subsection (c) of section 5532 of title 5, if a regular or reserve member or former member of a uniformed service who is receiving retired or retainer pay becomes employed as a justice or judge of the United States, as defined by section 451, or becomes eligible therefor while so employed, such retired or retainer pay, except such pay as is deductible from the retired or retainer pay as a result of participation in any survivor's benefits plan in connection with the retired pay, shall not be paid during regular active service as a justice or judge, but shall be resumed or commenced without reduction upon retirement from the judicial office

or from regular active service (into senior status) as such justice or judge.

\* \* \* \* \*

### § 373. Judges in territories and possessions

(a) \* \* \*

\* \* \* \* \*

(c)(1) \* \* \*

\* \* \* \* \*

[(4) Any senior judge performing judicial duties pursuant to recall under paragraph (2) of this subsection shall be paid, while performing such duties, the same compensation (in lieu of the annuity payable under subsection (a) of this section) and the same allowances for travel and other expenses as a judge on active duty with the court being served.]

*(4) Any senior judge performing judicial duties pursuant to recall under paragraph (2) of this subsection shall be paid, while performing such duties, the same compensation (in lieu of the annuity payable under this section) and the same allowances for travel and other expenses as a judge on active duty with the court being served.*

\* \* \* \* \*

[(e) Any judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands who is removed by the President of the United States upon the sole ground of mental or physical disability, or who is not reappointed (as judge of such court), shall be entitled, upon attaining the age of sixty-five years or upon relinquishing office if he is then beyond the age of sixty-five years, (1) if his judicial service, continuous or otherwise, aggregates fifteen years or more, to receive during the remainder of his life an annuity equal to the salary he received when he left office, or (2) if his judicial service, continuous or otherwise, aggregated less than fifteen years but not less than ten years, to receive during the remainder of his life an annuity equal to that proportion of such salary which the aggregate number of his years of his judicial service bears to fifteen.]

*(e)(1) any judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands who is not reappointed (as judge of such court) shall be entitled, upon attaining the age of sixty-five years or upon relinquishing office if the judge is then beyond the age of sixty-five years—*

*(A) if the judicial service of such judge, continuous or otherwise, aggregates fifteen years or more, to receive during the remainder of such judge's life an annuity equal to the salary received when the judge left office, or*

*(B) if such judicial service, continuous or otherwise, aggregated less than fifteen years, to receive during the remainder of such judge's life an annuity equal to that proportion of such salary which the aggregate number of such judge's years of service bears to fifteen.*

*(2) Any judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin*

*Islands who has served at least five years, continuously or otherwise, and who retires or is removed upon the sole ground of mental or physical disability, shall be entitled to receive during the remainder of such judge's life an annuity equal to 40 percent of the salary received when the judge left office or, in the case of a judge who has served at least ten years, continuously or otherwise, an annuity equal to that proportion of such salary which the aggregate number of such judge's years of judicial service bears to fifteen.*

\* \* \* \* \*

[(g) Any retired judge who is entitled to receive an annuity under subsection (a) shall be entitled to a cost of living adjustment in the amount payable to him computed as specified in section 8340(b) of title 5, except that in no case may the annuity payable to such retired judge, as increased under this subsection, exceed 95 per centum of the salary of a United States district judge in regular active service.]

*(g) Any retired judge who is entitled to receive an annuity under this section shall be entitled to a cost-of-living adjustment in the amount computed as specified in section 8340(b) of title 5, except that in no case may the annuity payable to such retired judge, as increased under this subsection, exceed the salary of a judge in regular active service with the court on which the retired judge served before retiring.*

\* \* \* \* \*

### **§ 377. Retirement of bankruptcy judges and magistrates**

(a) \* \* \*

\* \* \* \* \*

*(p) TRANSFER OF RETIREMENT FUNDS.—Upon election by a bankruptcy judge or a magistrate judge under subsection (f) of this section, all of the accrued employer contributions and accrued interest on those contributions made on behalf of the bankruptcy judge or magistrate judge to the Civil Service Retirement and Disability Fund under section 8348 of title 5 shall be transferred to the fund established under section 1931 of this title, except that if the bankruptcy judge or magistrate judge elects under section 2(c) of the Retirement and Survivor's Annuities for Bankruptcy Judges and Magistrates Act of 1988, (Public Law 100–659) to receive a retirement annuity under both this section and title 5, only the accrued employer contributions and accrued interest on such contributions made on behalf of the bankruptcy judge or magistrate judge for service credited under this section may be transferred.*

\* \* \* \* \*

## **CHAPTER 21—GENERAL PROVISIONS APPLICABLE TO COURTS AND JUDGES**

Sec.

451. Definitions.

\* \* \* \* \*

464. Carrying of firearms by judicial officers.

**[§ 453. Oaths of justices and judges]**

**§ 453. Oath of justices and judges**

\* \* \* \* \*

**§ 464. Carrying of firearms by judicial officers**

(a) *AUTHORITY.*—A judicial officer of the United States is authorized to carry a firearm, whether concealed or not, under regulations promulgated by the Judicial Conference of the United States. The authority granted by this section shall extend only—

(1) to those States in which the carrying of firearms by judicial officers of the State is permitted by State law, or—

(2) regardless of State law, to any State in which the judicial officer of the United States sits, resides, or is present on official travel status.

(b) *IMPLEMENTATION.*—

(1) *REGULATIONS.*—The regulations promulgated by the Judicial Conference under subsection (a) shall—

(A) require a demonstration of a judicial officer's proficiency in the use and safety of firearms as a prerequisite to carrying of firearms under the authority of this section; and

(B) ensure that the carrying of a firearm by a judicial officer under the protection of the United States Marshals Service while away from United States courthouses is consistent with Marshals Service policy on carrying of firearms by persons receiving such protection.

(2) *ASSISTANCE BY OTHER AGENCIES.*—At the request of the Judicial Conference, the Attorney General and appropriate law enforcement components of the Department of Justice shall assist the Judicial Conference in developing and providing training to assist judicial officers in securing the proficiency referred to in paragraph (1).

(c) *DEFINITION.*—For purposes of this section, the term “judicial officer of the United States” means—

(1) a justice or judge of the United States as defined in section 451 in regular active service or retired from regular active service;

(2) a justice or judge of the United States who has been retired from the judicial office under section 371(a) for—

(A) no longer than a 1-year period following such justice's or judge's retirement; or

(B) a longer period of time if approved by the Judicial Conference of the United States when exceptional circumstances warrant;

(3) a United States bankruptcy judge;

(4) a full-time or part-time United States magistrate judge;

(5) a judge of the United States Court of Federal Claims;

(6) a judge of the United States District Court of Guam;

(7) a judge of the United States District Court for the Northern Mariana Islands;

(8) a judge of the United States District Court of the Virgin Islands; or

(9) an individual who is retired from one of the judicial positions described under paragraphs (3) through (8) to the extent provided for in regulations of the Judicial Conference of the United States.

(d) *EXCEPTION.*—Notwithstanding section 46303(c)(1) of title 49, nothing in this section authorizes a judicial officer of the United States to carry a dangerous weapon on an aircraft or other common carrier.

## PART II—DEPARTMENT OF JUSTICE

\* \* \* \* \*

### CHAPTER 31—THE ATTORNEY GENERAL

\* \* \* \* \*

#### § 524. Availability of appropriations

(a) \* \* \*

\* \* \* \* \*

(c)(1) \* \* \*

\* \* \* \* \*

(12)(A) *In the fiscal year subsequent to the fiscal year in which this paragraph is enacted and in each fiscal year thereafter, an amount as specified in subparagraph (B) shall be transferred annually to the judiciary into the fund established under section 1931 of this title, for expenses incurred in—*

(i) *adjudication of civil and criminal forfeiture proceedings that result in deposits into the Fund (except the expense of salaries of judges);*

(ii) *representation, pursuant to the provisions of section 3006A of title 18 or section 408(q) of the Controlled Substances Act (21 U.S.C. 848(q)) of defendants whose assets have been seized in such forfeiture proceedings, to the extent that such expenses of representation could have been recovered through an order for payment or for reimbursement of the defender services appropriation pursuant to section 3006A(f) of title 18; and*

(iii) *supervision by United States probation officers of offenders under home detention or other forms of confinement outside of Bureau of Prison facilities.*

(B) *The amount to be transferred under subparagraph*

(A)—

(i) *shall be an amount from the combined fiscal year deposits into both the Fund and the Department of Treasury Asset Forfeiture Fund established by section 9703 of title 31 (hereafter referred to as “both Funds”), which amount shall not exceed the statement of costs incurred by the judiciary in providing the services identified in subparagraph (A), as set forth by the Director of the Administrative Office of the United States Courts in a report to the Attorney General and the Secretary of the Treasury no later*



*than 90 days after the end of the fiscal year in which the expenses were incurred; except that—*

*(I) the total amount to be transferred from both Funds shall not exceed \$50,000,000, or 10 percent of the total combined deposits into both Funds, whichever is less;*

*(II) the proportion of the amount transferred from the Fund to the total amount to be transferred shall be equal to the proportion of the fiscal year deposits into the Fund to the combined fiscal year deposits in both Funds; and*

*(III) the total amount to be transferred from both Funds may exceed the limits set out in this subparagraph subject to the discretion of the Attorney General and the Secretary of the Treasury; and*

*(ii) shall be paid from revenues deposited into the Fund during the fiscal year in which the expenses were incurred and are not required to be specified in appropriations Acts.*

\* \* \* \* \*

## PART III—COURT OFFICERS AND EMPLOYEES

\* \* \* \* \*

### CHAPTER 41—ADMINISTRATIVE OFFICE OF UNITED STATES COURTS

Sec.

601. Creation; Director and Deputy Director

\* \* \* \* \*

613. *Disbursing and certifying officers.*

614. *Authority to prescribe fees for technology resources in the courts.*

\* \* \* \* \*

#### § 604. Duties of Director generally

(a) The Director shall be the administrative officer of the courts, and under the supervision and direction of the Judicial Conference of the United States, shall:

(1) \* \* \*

\* \* \* \* \*

[(8) Disburse, directly or through the several United States marshals, moneys appropriated for the maintenance and operation of the courts;]

(8) *Disburse appropriations and other funds for the maintenance and operation of the courts;*

\* \* \* \* \*

[(24) Lay before Congress, annually, statistical tables that will accurately reflect the business imposed on the Federal courts by the savings and loan crisis.]

\* \* \* \* \*

(i) *The Director may pay a claim by a person summoned to serve or serving as a grand juror or petit juror for loss of, or damage to, personal property that occurs incident to that person's performance of duties in response to the summons or at the direction of an officer of the court. With respect to claims, the Director shall have the authority granted to the head of an agency by section 3721 of title 31, for consideration of employee's personal property claims. The Director shall prescribe guidelines for the consideration of claims under this subsection.*

\* \* \* \* \*

#### **§ 611. Retirement of Director**

(a) \* \* \*

(b) Upon the retirement of a Director who has elected coverage under this section and **[who has served at least fifteen years and]** *who has at least fifteen years of service and has* attained the age of sixty-five years the Administrative Office of the United States Courts shall pay him an annuity for life equal to 80 per centum of the salary of the office at the time of his retirement.

Upon the retirement of a Director who has elected coverage under this section and **[who has served at least ten years,]** *who has at least ten years of service*, but who is not eligible to receive an annuity under the first paragraph of this subsection, the Administrative Office of the United States Courts shall pay him an annuity for life equal to that proportion of 80 per centum of the salary of the office at the time of his retirement that the number of years of his service bears to fifteen, reduced by one-quarter of 1 per centum for each full month, if any, he is under the age of sixty-five at the time of separation from service.

(c) A Director who has elected coverage under this section and who becomes permanently disabled to perform the duties of his office shall be retired and shall receive an annuity for life equal to 80 per centum of the salary of the office at the time of his retirement if he has **[served at least fifteen years,]** *at least fifteen years of service*, or equal to that proportion of 80 per centum of such salary that the aggregate number of years of his service bears to fifteen if he has **[served less than fifteen years,]** *less than fifteen years of service*, but in no event less than 50 per centum of such salary.

(d) For the purpose of this section, "service" means service, whether or not continuous, as Director of the Administrative Office of the United States Courts, and any service, not to exceed five years, as a judge of the United States, a Senator or Representative in Congress, *a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives*, or a civilian official appointed by the President, by and with the advice and consent of the Senate.

\* \* \* \* \*

## § 612. Judiciary Information Technology Fund

(a) ESTABLISHMENT AND AVAILABILITY OF FUND.—There is hereby established in the Treasury of the United States a special fund to be known as the “Judiciary Information Technology Fund” (hereafter in this section referred to as the “Fund”). Moneys in the Fund shall be available to the Director without fiscal year limitation for the procurement (by lease, purchase, exchange, transfer, or otherwise) of information technology **[equipment]** *resources* for program activities included in the court of appeals, district courts, and other judicial services account of the judicial branch of the United States. The Fund shall also be available for expenses, including personal services, support personnel in the courts and in the Administrative Office of the United States Courts, and other costs, for the effective management, coordination, operation, and use of information technology **[equipment]** *resources* purchased by the Fund. In addition, all agencies of the judiciary may make deposits into the Fund to meet their information technology needs in accordance with subsections (b) and (c)(2).

(b) PLAN FOR MEETING INFORMATION TECHNOLOGY NEEDS.—

(1) DEVELOPMENT OF PLAN.—The Director shall develop and annually revise, with the approval of the Judicial Conference of the United States, a long range plan for meeting the information technology **[equipment]** *resources* needs of the activities funded under subsection (a) and shall include an annual estimate of any fees that may be collected under section 404 of the Judiciary Appropriations Act, 1991 (Public Law 101–515; 104 Stat. 2133). Such plan and revisions shall be submitted to Congress.

(2) EXPENDITURES CONSISTENT WITH PLAN.—The Director may use amounts in the Fund to procure information technology **[equipment]** *resources* for the activities funded under subsection (a) only in accordance with the plan developed under paragraph (1).

(c) DEPOSITS INTO FUND.—

(1) \* \* \*

(2) ADVANCES AND REIMBURSEMENTS.—Whenever the Director procures information technology **[equipment]** *resources* for any entity in the judicial branch other than the courts or the Administrative Office, that entity shall advance or reimburse the Fund, whichever the Director considers appropriate, for the costs of the information technology **[equipment]** *resources*, from appropriations available to that entity.

\* \* \* \* \*

(e) CONTRACT AUTHORITY.—

(1) FOR EACH FISCAL YEAR.—In fiscal year 1990, and in each succeeding fiscal year, the Director may enter into contracts for the procurement of information technology **[equipment]** *resources* in amounts which, in the aggregate, do not exceed amounts estimated to be collected under subsection (c) for that fiscal year in advance of the availability of amounts in the Fund for such contracts.

(2) MULTIYEAR CONTRACTS.—In conducting activities under subsection (a), the Director is authorized to enter into

multiyear contracts for information technology **equipment** *resources* for periods of not more than five years for any contract, if—

(A) funds are available and adequate for payment of the costs of such contract for the first fiscal year and for payment of any costs of cancellation or termination of the contract;

(B) such contract is awarded on a fully competitive basis; and

(C) the Director determines that—

(i) the need for the information technology **equipment** *resources* being provided will continue over the period of the contract; and

(ii) the use of the multi-year contract will yield substantial cost savings when compared with other methods of providing the necessary resources.

\* \* \* \* \*

**[(f) APPLICABILITY OF PROCUREMENT STATUTE.—**The procurement of information technology equipment under this section shall be conducted in compliance with the provisions of law, policies, and regulations applicable to executive agencies under division E of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.).**]**

**[(g) (f) AUTHORITY OF ADMINISTRATOR OF GENERAL SERVICES.—**Nothing in this section shall be construed to limit the authority of the Administrator of General Services under section 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481).

**[(h) (g) ANNUAL REPORT.—**

(1) **IN GENERAL.—**The Director shall submit to the Congress an annual report on the operation of the Fund, including on the inventory, use, and acquisition of information technology **equipment** *resources* from the Fund and the consistency of such acquisition with the plan prepared under subsection (b). The report shall set forth the amounts deposited into the Fund under subsection (c).

\* \* \* \* \*

**[(3) Report in year of termination of authority.—**The annual report submitted under this subsection for any year in which the authority for this section is to terminate under subsection (m), shall be submitted no later than 9 months before the date of such termination.**]**

**[(i) (h) REPROGRAMMING.—**The Director of the Administrative Office of the United States Courts, under the supervision of the Judicial Conference of the United States, may transfer amounts up to \$1,000,000 from the Fund into the account to which the funds were originally appropriated. Any amounts transferred from the Fund in excess of \$1,000,000 in any fiscal year may only be transferred by following reprogramming procedures in compliance with section 606 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1989 (Public Law 100-459; 102 Stat. 2227).

**[(j) (i) APPROPRIATIONS INTO THE FUND.—**If the budget request of the **Judiciary** *judiciary* is appropriated in full, the

amount deposited into the Fund during any fiscal year under the authority of ~~subparagraph~~ subsection (c)(1)(B) will be the same as the amount of funds requested by the Judiciary for activities described in subsection (a). If an amount to be deposited is not specified in statute by Congress and if the full request is not appropriated, the amount to be deposited under subsection (c)(1)(B) will be set by the spending priorities established by the Judicial Conference.

**[(k)]** (j) LONG RANGE MANAGEMENT AND BUSINESS PLANS.—The Director of the Administrative Office of the United States Court shall—

(1) \* \* \*

\* \* \* \* \*

## CHAPTER 42—FEDERAL JUDICIAL CENTER

\* \* \* \* \*

### **§613. Disbursing and certifying officers**

(a) *DISBURSING OFFICERS.*—The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to be disbursing officers in such numbers and locations as the Director considers necessary. Such dispersing officers shall—

(1) *disburse moneys appropriated to the judicial branch and other funds only in strict accordance with payment requests certified by the Director or in accordance with subsection (b);*

(2) *examine payment requests as necessary to ascertain whether they are in proper form, certified, and approved; and*

(3) *be held accountable for their actions as provided by law, except such a disbursing officer shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate for which a certifying officer is responsible under subsection (b).*

(b) *CERTIFYING OFFICERS.*—(1) The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to certify payment requests payable from appropriations and funds. These certifying officers shall be responsible and accountable for—

(A) *the existence and correctness of the facts recited in the certificate or other request for payment or its supporting papers;*

(B) *the legality of the proposed payment under the appropriation or fund involved; and*

(C) *the correctness of the computations of certified payment requests.*

(2) *The liability of a certifying officer shall be enforced in the same manner and to the same extent as provided by law with respect to the enforcement of the liability of disbursing and other accountable officers. A certifying officer shall be required to make restitution to the United States for the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or mis-*

*leading certificates made by the certifying officer, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.*

(c) *RIGHTS.*—A certifying or disbursing officer—

(1) *has the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment request presented for certification; and*

(2) *is entitled to relief from liability arising under this section in accordance with title 31.*

(d) *OTHER AUTHORITY NOT AFFECTED.*—Nothing in this section affects the authority of the courts with respect to moneys deposited with the courts under chapter 129 of this title.

**§ 614. Authority to prescribe fees for technology resources in the courts**

*The Judicial Conference is authorized to prescribe reasonable fees pursuant to sections 1913, 1914, 1926, 1930, and 1932, for use of information technology resources provided by the judiciary to improve the efficiency of and access to the courts. Fees collected pursuant to this section are to be deposited in the Judiciary Information Technology Fund to be available to the Director without fiscal year limitation for reinvestment in information technology resources which will advance the purposes of this section.*

\* \* \* \* \*

**§ 625. Director and staff**

(a) \* \* \*

(b) The Director shall appoint and fix the compensation of such additional professional personnel as the Board may deem necessary, without regard to the provisions of title 5【, United States Code,】 governing appointments in competitive service, or the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates: Provided, however, That the compensation of any person appointed under this subsection shall not exceed the annual rate of basic pay of level V of the

Executive Schedule 【pay rates, section 5316, title 5, United States Code】 *under section 5316 of title 5, except that the Director may fix the compensation of 4 positions of the Center at a level not to exceed the annual rate of pay in effect for level IV of the Executive Schedule under section 5315 of title 5: And provided further, That the salary of a reemployed annuitant under the 【Civil Service Retirement Act shall be adjusted pursuant to the provisions of section 8344, title 5, United States Code】 subchapter III of chapter 83 of title 5 shall be adjusted pursuant to the provisions of section 8344 of such title, and the salary of a reemployed annuitant under chapter 84 of title 5 shall be adjusted pursuant to the provisions of section 8468 of such title.*

(c) The Director shall appoint and fix the compensation of such secretarial and clerical personnel as he may deem necessary, subject to the provisions of title 5【, United States Code,】 governing appointments in competitive service without regard to the provisions

of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(d) The Director may procure personal services as authorized by section 3109 of title 5【, United States Code,】 at rates not to exceed the daily equivalent of the highest rate payable under General Schedule pay rates, section 5332, title 5【, United States Code】.

\* \* \* \* \*

#### **§ 627. Retirement; employee benefits**

【(a) A Director of the Federal Judicial Center who attains the age of seventy years shall be retired from that office.】

【(b)】 (a) The Director, Deputy Director, the professional staff, and the clerical and secretarial employees of the Federal Judicial Center shall be deemed to be officers and employees of the judicial branch of the United States Government within the meaning of subchapter III of chapter 83 (relating to civil service retirement), chapter 84 (relating to the Federal Employees' Retirement System), chapter 87 (relating to Federal employees' life insurance program), and chapter 89 (relating to Federal employees' health benefits program) of title 5,

United States Code: Provided, however, That the Director, upon written notice filed with the Director of the Administrative Office of the United States Courts within 6 months after the date on which he takes office, may waive coverage under chapter 83 of title 5, subchapter III (the Civil Service Retirement System) or chapter 84 of title 5 (the Federal Employees' Retirement System), whichever is applicable, and elect coverage under the retirement and disability provisions of this section. A Director who elects coverage under this section shall be deemed an "employee" for purposes of chapter 84 of title 5, subchapter III, regardless of whether he has waived the coverage of chapter 83, subchapter III, or chapter 84: And provided further, That upon his nonretirement separation from the Federal Judicial Center, waiver of coverage under chapter 83, subchapter III, and election of this section shall not operate to foreclose to the Director such opportunity as the law may provide to secure retirement credit under chapter 83 for service as Director by depositing with interest the amount required by section 8334 of title 5. A Director who waives coverage under chapter 84 and elects this section may secure retirement credit under chapter 84 for service as Director by depositing with interest 1.3 percent of basic pay for service from January 1, 1984, through December 31, 1986, and the amount referred to in section 8422(a) of title 5, for service after December 31, 1986. Interest shall be computed under section 8334(e) of title 5.

【(c)】 (b) Upon the retirement of a Director who has elected coverage under this section and 【who has served at least fifteen years and】 *who has at least fifteen years of service and has* attained the age of sixty-five years the Director of the Administrative Office of the United States Courts shall pay him an annuity for life equal to 80 per centum of the salary of the office at the time of his retirement.

Upon the retirement of a Director who has elected coverage under this section and 【who has served at least ten years,】 *who*

*has at least ten years of service*, but who is not eligible to receive an annuity under the first paragraph of this subsection, the Administrative Office of the United States Courts shall pay him an annuity for life equal to that proportion of 80 per centum of the salary of the office at the time of his retirement that the number of years of his service bears to fifteen, reduced by one-quarter of 1 per centum for each full month, if any, he is under the age of sixty-five at the time of separation from service.

[(d)] (c) A Director who has elected coverage under this section and who becomes permanently disabled to perform the duties of his office shall be retired and shall receive an annuity for life equal to 80 per centum of the salary of the office at the time of his retirement if he has [served at least fifteen years,] *at least fifteen years of service*, or equal to that proportion of 80 per centum of such salary that the aggregate number of years of his service bears to fifteen if he has [served less than fifteen years,] *less than fifteen years of service*, but in no event less than 50 per centum of such salary.

[(e)] (d) For the purpose of this section, “service” means service, whether or not continuous, as Director of the Federal Judicial Center, and any service, not to exceed five years, as a judge of the United States, a Senator or Representative in Congress, *a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives*, or a civilian official appointed by the President, by and with the advice and consent of the Senate.

[(f)] (e) Each annuity payable under this section shall be increased by the same percentage amount and effective on the same date as annuities payable under chapter 83 of title 5, are increased as provided by section 8340 of title 5.

\* \* \* \* \*

## CHAPTER 43—UNITED STATES MAGISTRATES

\* \* \* \* \*

### § 631. Appointment and tenure

(a) [The judges of each United States district court and the district court of the Virgin Islands shall appoint United States magistrates in such numbers and to serve at such locations within the judicial district as the conference may determine under this chapter. In the case of a magistrate appointed by the district court of the Virgin Islands, this chapter shall apply as though the court appointing such magistrate were a United States district court.] *The judges of each United States district court and the district courts of the Virgin Islands, Guam, and the Northern Mariana Islands shall appoint United States magistrate judges in such numbers and to serve at such locations within the judicial districts as the Conference may determine under this chapter. In the case of a magistrate judge appointed by the district court of the Virgin Islands, Guam, or the Northern Mariana Islands, this chapter shall apply as though the court appointing such a magistrate judge were*



*a United States district court.* Where there is more than one judge of a district court, the appointment, whether an original appointment or a reappointment, shall be by the concurrence of a majority of all the judges of such district court, and when there is no such concurrence, then by the chief judge. Where the conference deems it desirable, a magistrate may be designated to serve in one or more districts adjoining the district for which he is appointed. Such a designation shall be made by the concurrence of a majority of the judges of each of the district courts involved and shall specify the duties to be performed by the magistrate in the adjoining district or districts.

(b) No individual may be appointed or reappointed to serve as a magistrate under this chapter unless:

(1) He has been for at least five years a member in good standing of the bar of the highest court of a State, the District of Columbia, the Commonwealth of Puerto Rico, *the Territory of Guam, the Commonwealth of the Northern Mariana Islands*, or the Virgin Islands of the United States, except that an individual who does not meet the bar membership requirements of this paragraph may be appointed and serve as a part-time magistrate if the appointing court or courts and the conference find that no qualified individual who is a member of the bar is available to serve at a specific location;

\* \* \* \* \*

#### **§ 636. Jurisdiction, powers, and temporary assignment**

(a) Each United States magistrate serving under this chapter shall have within the territorial jurisdiction prescribed by his appointment—

(1) \* \* \*

\* \* \* \* \*

[(4) the power to enter a sentence for a petty offense that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction; and

[(5) the power to enter a sentence for a class A misdemeanor, or a class B or C misdemeanor not covered by paragraph (4), in a case in which the parties have consented.]

(4) *the power to enter a sentence for a petty offense; and*

(5) *the power to enter a sentence for a class A misdemeanor in a case in which the parties have consented.*

\* \* \* \* \*

[(e) In a proceeding before a magistrate, any of the following acts or conduct shall constitute a contempt of the district court for the district wherein the magistrate is sitting: (1) disobedience or resistance to any lawful order, process, or writ; (2) misbehavior at a hearing or other proceeding, or so near the place thereof as to obstruct the same; (3) failure to produce, after having been ordered to do so, any pertinent document; (4) refusal to appear after having been subpoenaed or, upon appearing, refusal to take the oath or affirmation as a witness, or, having taken the oath or affirmation, refusal to be examined according to law; or (5) any other act or conduct which if committed before a judge of the district court would

constitute contempt of such court. Upon the commission of any such act or conduct, the magistrate shall forthwith certify the facts to a judge of the district court and may serve or cause to be served upon any person whose behavior is brought into question under this section an order requiring such person to appear before a judge of that court upon a day certain to show cause why he should not be adjudged in contempt by reason of the facts so certified. A judge of the district court shall thereupon, in a summary manner, hear the evidence as to the act or conduct complained of and, if it is such as to warrant punishment, punish such person in the same manner and to the same extent as for a contempt committed before a judge of the court, or commit such person upon the conditions applicable in the case of defiance of the process of the district court or misconduct in the presence of a judge of that court.】

(e) CONTEMPT AUTHORITY.—

(1) CONTEMPT AUTHORITY.—*A United States magistrate judge serving under this chapter shall have within the territorial jurisdiction prescribed by his or her appointment the power to exercise contempt authority as set forth in this subsection.*

(2) SUMMARY CRIMINAL CONTEMPT AUTHORITY.—*A magistrate judge shall have the power to punish summarily by fine or imprisonment such contempt of his or her authority constituting misbehavior of any person in the magistrate judge's presence so as to obstruct the administration of justice. The order of contempt shall be issued pursuant to Federal Rules of Criminal Procedure.*

(3) ADDITIONAL CRIMINAL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—*In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge shall have the power to punish by fine or imprisonment such criminal contempt constituting disobedience or resistance to the magistrate judge's lawful, writ, process, order, rule, decree, or command. Disposition of such contempt shall be conducted upon notice and hearing pursuant to the Federal Rules of Criminal Procedure.*

(4) CIVIL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—*In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge may exercise the civil contempt authority of the district court. This paragraph shall not be construed to limit the authority of a magistrate judge to order sanctions pursuant to any other statute, the Federal Rules of Civil Procedure, or the Federal Rules of Criminal Procedure.*

(5) CRIMINAL CONTEMPT PENALTIES.—*The sentence imposed by a magistrate judge for any criminal contempt set forth in paragraphs (2) and (3) of this subsection shall not exceed the penalties for a Class C misdemeanor as set forth in sections 3581(b)(8) and 3571(b)(6) of title 18.*

(6) *CERTIFICATION OF OTHER CONTEMPTS TO THE DISTRICT COURT.—Upon the commission of any act—*

*(A) in any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, or in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, that may, in the opinion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection, or*

*(B) in any other case or proceeding under subsection (a) or (b) of this section, or any other statute, where—*

*(i) the act committed in the magistrate judge's presence may, in the opinion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection,*

*(ii) the act that constitutes a criminal contempt occurs outside the presence of the magistrate judge, or*

*(iii) the act constitutes a civil contempt,*  
*the magistrate judge shall forthwith certify the facts of a district judge and may serve or cause to be served upon any person whose behavior is brought into question under this paragraph an order requiring such person to appear before a district judge upon a day certain to show cause why he or she should not be adjudged in contempt by reason of the facts so certified. The district judge shall thereupon hear the evidence as to the act of conduct complained of and, if it is such as to warrant punishment, punish such person in the same manner and to the same extent as for a contempt committed before a district judge.*

*(7) APPEALS OF MAGISTRATE JUDGE CONTEMPT ORDERS.—The appeal of an order of contempt issued pursuant to this section shall be made to the court of appeals in cases proceeding under subsection (c) of this section. The appeal of any other order to contempt issued pursuant to this section shall be made to the district court.*

\* \* \* \* \*

## **PART V—PROCEDURE**

\* \* \* \* \*

### **CHAPTER 121—JURIES; TRIAL BY JURY**

\* \* \* \* \*

#### **§ 1863. Plan for random jury selection**

(a) \* \* \*

(b) Among other things, such plan shall—

(1) \* \* \*

\* \* \* \* \*

[(6) specify that the following persons are barred from jury service on the ground that they are exempt: (A) members in ac-

tive service in the Armed Forces of the United States; (B) members of the fire or police departments of any State, the District of Columbia, any territory or possession of the United States, or any subdivision of a State, the District of Columbia, or such territory or possession; (C) public officers in the executive, legislative, or judicial branches of the Government of the United States, or of any State, the District of Columbia, any territory or possession of the United States, or any subdivision of a State, the District of Columbia, or such territory or possession, who are actively engaged in the performance of official duties.】

【(7)】 (6) fix the time when the names drawn from the qualified jury wheel shall be disclosed to parties and to the public. If the plan permits these names to be made public, it may nevertheless permit the chief judge of the district court, or such other district court judge as the plan may provide, to keep these names confidential in any case where the interests of justice so require.

【(8)】 (7) specify the procedures to be followed by the clerk or jury commission in assigning persons whose names have been drawn from the qualified jury wheel to grand and petit jury panels.

\* \* \* \* \*

#### **§ 1864. Drawing of names from the master jury wheel; completion of juror qualification form**

(a) From time to time as directed by the district court, the clerk or a district judge shall 【publicly】 draw at random from the master jury wheel the names of as many persons as may be required for jury service. *The clerk or jury commission shall post a general notice for public review in the clerk's office explaining the process by which names are periodically and randomly drawn.* The clerk or jury commission may, upon order of the court, prepare an alphabetical list of the names drawn from the master jury wheel. Any list so prepared shall not be disclosed to any person except pursuant to the district court plan or pursuant to section 1867 or 1868 of this title. The clerk or jury commission shall mail to every person whose name is drawn from the master wheel a juror qualification form accompanied by instructions to fill out and return the form, duly signed and sworn, to the clerk or jury commission by mail within ten days. If the person is unable to fill out the form, another shall do it for him, and shall indicate that he has done so and the reason therefor. In any case in which it appears that there is an omission, ambiguity, or error in a form, the clerk or jury commission shall return the form with instructions to the person to make such additions or corrections as may be necessary and to return the form to the clerk or jury commission within ten days. Any person who fails to return a completed juror qualification form as instructed may be summoned by the clerk or jury commission forthwith to appear before the clerk or jury commission to fill out a juror qualification form. A person summoned to appear because of failure to return a juror qualification form as instructed who personally appears and executes a juror qualification form before the

clerk or jury commission may, at the discretion of the district court, except where his prior failure to execute and mail such form was willful, be entitled to receive for such appearance the same fees and travel allowances paid to jurors under section 1871 of this title. At the time of his appearance for jury service, any person may be required to fill out another juror qualification form in the presence of the jury commission or the clerk or the court, at which time, in such cases as it appears warranted, the person may be questioned, but only with regard to his responses to questions contained on the form. Any information thus acquired by the clerk or jury commission may be noted on the juror qualification form and transmitted to the chief judge or such district court judge as the plan may provide.

\* \* \* \* \*

#### **§ 1865. Qualifications for jury service**

(a) The chief judge of the district court, or such other district court judge as the plan may provide, on his initiative or upon recommendation of the clerk or jury commission, *or the clerk under supervision of the court if the court's jury selection plan so authorizes*, shall determine solely on the basis of information provided on the juror qualification form and other competent evidence whether a person is unqualified for, or exempt, or to be excused from jury service. The clerk shall enter such determination in the space provided on the juror qualification form and in any alphabetical list of names drawn from the master jury wheel. If a person did not appear in response to a summons, such fact shall be noted on said list.

(b) In making such determination the chief judge of the district court, or such other district court judge as the plan may provide, *or the clerk if the court's jury selection plan so provides*, shall deem any person qualified to serve on grand and petit juries in the district court unless he—

(1) \* \* \*

\* \* \* \* \*

#### **§ 1866. Selection and summoning of jury panels**

(a) The jury commission, or in the absence thereof the clerk, shall maintain a qualified jury wheel and shall place in such wheel names of all persons drawn from the master jury wheel who are determined to be qualified as jurors and not exempt or excused pursuant to the district court plan. From time to time, the jury commission or the clerk shall **publicly** draw at random from the qualified jury wheel such number of names of persons as may be required for assignment to grand and petit jury panels. *The clerk or jury commission shall post a general notice for public review in the clerk's office explaining the process by which names are periodically and randomly drawn.* The jury commission or the clerk shall prepare a separate list of names of persons assigned to each grand and petit jury panel.

\* \* \* \* \*

### § 1869. Definitions

For purposes of this chapter—

(a) \* \* \*

\* \* \* \* \*

[(i) “public officer” shall mean a person who is either elected to public office or who is directly appointed by a person elected to public office;]

[(j)] (i) “undue hardship or extreme inconvenience”, as a basis for excuse from immediate jury service under section 1866(c) (1) of this chapter, shall mean great distance, either in miles or travel-time, from the place of holding court, grave illness in the family or any other emergency which outweighs in immediacy and urgency the obligation to serve as a juror when summoned, or any other factor which the court determines to constitute an undue hardship or to create an extreme inconvenience to the juror; and in addition, in situations where it is anticipated that a trial or grand jury proceeding may require more than thirty days of service, the court may consider, as a further basis for temporary excuse, severe economic hardship to an employer which would result from the absence of a key employee during the period of such service; *and*

[(k) “publicly draw”, as referred to in sections 1864 and 1866 of this chapter, shall mean a drawing which is conducted within the district after reasonable public notice and which is open to the public at large under the supervision of the clerk or jury commission, except that when a drawing is made by means of electronic data processing, “publicly draw” shall mean a drawing which is conducted at a data processing center located in or out of the district, after reasonable public notice given in the district for which juror names are being drawn, and which is open to the public at large under such supervision of the clerk or jury commission as the Judicial Conference of the United States shall by regulation require; and]

[(1)] (j) “jury summons” shall mean a summons issued by a clerk of court, jury commission, or their duly designated deputies, containing either a preprinted or stamped seal of court, and containing the name of the issuing clerk imprinted in preprinted, type, or facsimile manner on the summons or the envelopes transmitting the summons.

\* \* \* \* \*

### § 1877. Protection of jurors

(a) \* \* \*

(b) In administering this section with respect to a juror covered by this section—

(1) \* \* \*

(2) performance of duty as a juror includes that time when a juror is (A) in attendance at court pursuant to a summons, (B) in deliberation, (C) sequestered by order of a judge, [or] (D) at a site, by order of the court, for the taking of a view, or (E) *traveling to or from the courthouse pursuant to a jury*

*summons or sequestration order, or as otherwise necessitated by order of the court.*

\* \* \* \* \*

## CHAPTER 123—FEES AND COSTS

\* \* \* \* \*

### § 1930. Bankruptcy fees

(a) Notwithstanding section 1915 of this title, the parties commencing a case under title 11 shall pay to the clerk of the district court or the clerk of the bankruptcy court, if one has been certified pursuant to section 156(b) of this title, the following filing fees:

(1) For a case commenced under chapter 7 or 13 of title 11, \$130.

(2) For a case commenced under chapter 9 of title 11, **[\$300]** *equal to the fee specified in paragraph (3) for filing a case under chapter 11 of title 11. The amount by which the fee payable under this paragraph exceeds \$300 shall be deposited in the fund established under section 1931 of this title.*

\* \* \* \* \*

(7) *In districts that are not part of a United States trustee region as defined in section 581 of this title, the Judicial Conference of the United States may require the debtor in a case under chapter 11 of title 11 to pay fees equal to those imposed by paragraph (6). Such fees shall be deposited into the fund established under section 1931.*

An individual commencing a voluntary case or a joint case under title 11 may pay such fee in installments. For converting, on request of the debtor, a case under chapter 7, or 13 of title 11, to a case under chapter 11 of title 11, the debtor shall pay to the clerk of the district court or the clerk of the bankruptcy court, if one has been certified pursuant to section 156(b) of this title, a fee of **[\$400]** *the amount equal to the difference between the fee specified in paragraph (3) and the fee specified in paragraph (1).*

\* \* \* \* \*

## CHAPTER 123—FEES AND COSTS

### § 1931. Disposition of filing fees

(a) Of the amounts paid to the clerk of court as a fee under section 1914(a) or as part of a judgment for costs under section 2412(a)(2) of this title, \$90 shall be deposited into a special fund of the Treasury to be available to offset funds appropriated for the operation and maintenance of the courts of the United States or other judicial services, including services provided pursuant to section 3006A of title 18 or section 408(q) of the Controlled Substances Act (21 U.S.C. 848(q)).

\* \* \* \* \*

## PART VI—PARTICULAR PROCEEDINGS

\* \* \* \* \*

## CHAPTER 165—UNITED STATES COURT OF FEDERAL CLAIMS PROCEDURE

Sec.						
2501.	Time for filing suit.					
	*	*	*	*	*	*
2520.	Fees.					
	*	*	*	*	*	*

### § 2520. Fees

【The United States Court of Federal Claims shall by rules impose a fee not exceeding \$120, for the filing of any petition.】

\* \* \* \* \*

## CHAPTER 171—TORT CLAIMS PROCEDURE

\* \* \* \* \*

### § 2671. Definitions

As used in this chapter and sections 1346(b) and 2401(b) of this title, the term “Federal agency” includes the executive departments, the judicial and legislative branches, the military departments, independent establishments of the United States, and corporations primarily acting as instrumentalities or agencies of the United States, but does not include any contractor with the United States.

“Employee of the government” includes (1) officers or employees of any Federal agency, members of the military or naval forces of the United States, members of the National Guard while engaged in training or duty under section 316, 502, 503, 504, or 505 of title 32, and persons acting on behalf of a Federal agency in an official capacity, temporarily or permanently in the service of the United States, whether with or without compensation【.】 and (2) any officer or employee of a Federal Public Defender Organization, except when such officer or employee performs professional services in the course of providing representation under section 3006A of title 18.

\* \* \* \* \*

## SECTION 9703 OF TITLE 31, UNITED STATES CODE

### § 9703. Department of the Treasury Forfeiture Fund

(a) \* \* \*

\* \* \* \* \*

(p) *TRANSFER TO THE FEDERAL JUDICIARY.*—In the fiscal year subsequent to the fiscal year in which this subsection is enacted and in each fiscal year thereafter, an amount necessary to meet the transfer requirements of section 524(c)(12) of title 28 shall be transferred to the judiciary, and shall be subject to the same limitations, terms, and conditions specified in that section for transfers to the judiciary from the Department of Justice Asset Forfeiture Fund.

【(p)】 (q) *DEFINITIONS.*—For purposes of this section—



(1) DEPARTMENT OF THE TREASURY LAW ENFORCEMENT ORGANIZATION.—The term “Department of the Treasury law enforcement organization” means the United States Customs Service, the United States Secret Service, the Bureau of Alcohol, Tobacco and Firearms, the Internal Revenue Service, the Federal Law Enforcement Training Center, the Financial Crimes Enforcement Network, and any other law enforcement component of the Department of the Treasury so designated by the Secretary.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Treasury.

## SECTION 406 OF THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1990

SEC. 406. (a) \* \* \*

(b) All fees as shall be hereafter collected for any [service enumerated after item 18] *service not of a kind described in any of the items enumerated as items 1 through 7 and as items 9 through 18, as in effect on November 21, 1989, (and not of a kind described in items enumerated as items 8.1, 8.2, and 23, as in effect on January 1, 1998)* of the bankruptcy miscellaneous fee schedule prescribed by the Judicial Conference of the United States pursuant to 28 U.S.C. section 1930(b) and 25 percent of the fees hereafter collected under 28 U.S.C. section 1930(a)(1) shall be deposited as offsetting receipts to the fund established under 28 U.S.C. section 1931 and shall remain available to the Judiciary until expended to reimburse any appropriation for the amount paid out of such appropriation for expenses of the Courts of Appeals, District Courts, and other Judicial Services and the Administrative Office of the United States Courts. The Judicial Conference shall report to the Committees on Appropriations of the House of Representatives and the Senate on a quarterly basis beginning on the first day of each fiscal year regarding the sums deposited in said fund.

## PART II OF TITLE 18, UNITED STATES CODE

### PART II—CRIMINAL PROCEDURE

\* \* \* \* \*

#### CHAPTER 201—GENERAL PROVISIONS

\* \* \* \* \*

#### § 3006A. Adequate representation of defendants

(a) \* \* \*

\* \* \* \* \*

(d) PAYMENT FOR REPRESENTATION.—

(1) \* \* \*

(2) MAXIMUM AMOUNTS.—For representation of a defendant before the United States magistrate or the district court, or both, the compensation to be paid to an attorney or to a bar association or legal aid agency or community defender organization shall not exceed ~~【\$3,500】~~ \$5,400 for each attorney in a case in which one or more felonies are charged, and ~~【\$1,000】~~ \$1,600 for each attorney in a case in which only misdemeanors are charged. For representation of a defendant in an appellate court, the compensation to be paid to an attorney or to a bar association or legal aid agency or community defender organization shall not exceed ~~【\$2,500】~~ \$3,900 for each attorney in each court. *For representation of a petitioner in a non-capital habeas corpus proceeding, the compensation for each attorney shall not exceed the amount applicable to a felony in this paragraph for representation of a defendant before a judicial officer of the district court. For representation of such petitioner in an appellate court, the compensation for each attorney shall not exceed the amount applicable for representation of a defendant in an appellate court.* For representation of an offender before the United States Parole Commission in a proceeding under section 4106A of this title, the compensation shall not exceed ~~【\$750】~~ \$1,200 for each attorney in each proceeding; for representation of an offender in an appeal from a determination of such Commission under such section, the compensation shall not exceed ~~【\$2,500】~~ \$3,900 for each attorney in each court. For any other representation required or authorized by this section, the compensation shall not exceed ~~【\$750】~~ \$1,200 for each attorney in each proceeding.

\* \* \* \* \*

(e) SERVICES OTHER THAN COUNSEL.—

(1) \* \* \*

(2) WITHOUT PRIOR REQUEST.—(A) Counsel appointed under this section may obtain, subject to later review, investigative, expert, and other services without prior authorization if necessary for adequate representation. Except as provided in subparagraph (B) of this paragraph, the total cost of services obtained without prior authorization may not exceed ~~【\$300】~~ \$500 and expenses reasonably incurred.

(B) The court, or the United States magistrate (if the services were rendered in a case disposed of entirely before the United States magistrate), may, in the interest of justice, and upon the finding that timely procurement of necessary services could not await prior authorization, approve payment for such services after they have been obtained, even if the cost of such services exceeds ~~【\$300】~~ \$500.

(3) MAXIMUM AMOUNTS.—Compensation to be paid to a person for services rendered by him to a person under this subsection, or to be paid to an organization for services rendered by an employee thereof, shall not exceed ~~【\$1,000】~~ \$1,600, exclusive of reimbursement for expenses reasonably incurred, unless payment in excess of that limit is certified by the court, or by the United States magistrate if the services were rendered in connection with a case disposed of entirely before him,

as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the chief judge of the circuit. The chief judge of the circuit may delegate such approval authority to an active circuit judge.

\* \* \* \* \*

## CHAPTER 219—TRIAL BY UNITED STATES MAGISTRATES

\* \* \* \* \*

### § 3401. Misdemeanors; application of probation laws

(a) \* \* \*

(b) Any person charged with a misdemeanor, other than a petty offense [that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction,] may elect, however, to be tried before a district judge for the district in which the offense was committed. The magistrate judge shall carefully explain to the defendant that he has a right to trial, judgment, and sentencing by a district judge and that he may have a right to trial by jury before a district judge or magistrate judge. The magistrate judge may not proceed to try the case unless the defendant, after such explanation, expressly consents to be tried before the magistrate judge and expressly and specifically waives trial, judgment, and sentencing by a district judge. Any such consent and waiver shall be made in writing or orally on the record.

\* \* \* \* \*

(g) [The magistrate judge may, in a petty offense case involving a juvenile, that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction, exercise all powers granted to the district court under chapter 403 of this title.] *The magistrate judge may, in a petty offense case involving a juvenile, exercise all powers granted to the district court under chapter 403 of this title.* The magistrate judge may, in [any other class B or C misdemeanor case] *the case of any misdemeanor, other than a petty offense*, involving a juvenile in which consent to trial before a magistrate judge has been filed under subsection (b), exercise all powers granted to the district court under chapter 403 of this title. For purposes of this subsection, proceedings under chapter 403 of this title may be instituted against a juvenile by a violation notice or complaint, except that no such case may proceed unless the certification referred to in section 5032 of this title has been filed in open court at the arraignment. [No term of imprisonment shall be imposed by the magistrate in any such case.]

\* \* \* \* \*

## SECTION 4 OF THE CONTRACT SERVICES FOR DRUG DEPENDENT FEDERAL OFFENDERS TREATMENT ACT OF 1978

SEC. 4. (a) To carry out the purposes of this Act, there are authorized to be appropriated [sums not to exceed \$3,500,000 for the

fiscal year ending September 30, 1980; \$3,645,000 for the fiscal year ending September 30, 1981; and \$3,750,000 for the fiscal year ending September 30, 1982.】 *for fiscal year 2000 and each fiscal year thereafter such sums as may be necessary to carry out this Act.*

\* \* \* \* \*

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## SECTION 103 OF THE CIVIL JUSTICE REFORM ACT OF 1990

### SEC. 103. AMENDMENTS TO TITLE 28, UNITED STATES CODE.

(a) \* \* \*

(b) IMPLEMENTATION.—(1) Except as provided in section 105 of this Act, each United States district court shall, within three years after the date of the enactment of this title, implement a civil justice expense and delay reduction plan under section 471 of title 28, United States Code, as added by subsection (a).

(2)(A) The requirements set forth in sections 471, 472, 473, 474, 475, 477, and 478 of title 28, United States Code, as added by subsection (a), shall remain in effect for seven years after the date of the enactment of this title.

\* \* \* \* \*

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## SECTION 1228 OF TITLE 11, UNITED STATES CODE

### § 1228. Discharge

(a) As soon as practicable after completion by the debtor of all payments under the plan, other than payments to holders of allowed claims provided for under section 1222(b)(5) or 【1222(b)(10)】 1222(b)(9) of this title, unless the court approves a written waiver of discharge executed by the debtor after the order for relief under this chapter, the court shall grant the debtor a discharge of all debts provided for by the plan allowed under section 503 of this title or disallowed under section 502 of this title, except any debt—

(1) provided for under section 1222(b)(5) or 【1222(b)(10)】 1222(b)(9) of this title; or

\* \* \* \* \*

(c) A discharge granted under subsection (b) of this section discharges the debtor from all unsecured debts provided for by the plan or disallowed under section 502 of this title, except any debt—

(1) provided for under section 1222(b)(5) or 【1222(b)(10)】 1222(b)(9) of this title; or

\* \* \* \* \*

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## CHAPTER 49 OF TITLE 10, UNITED STATES CODE

\* \* \* \* \*

## CHAPTER 49—MISCELLANEOUS PROHIBITIONS AND PENALTIES

Sec.

971. Service credit: officers may not count service performed while serving as cadet or midshipman.

\* \* \* \* \*

**【982. Members: service on State and local juries.】**

982. *Members: service on Federal, State, and local juries.*

\* \* \* \* \*

### **【§ 982. Members: service on State and local juries】**

#### **§ 982. *Members: service on Federal, State, and local juries***

(a) A member of the armed forces on active duty may not be required to serve on a **【State or】** *Federal, State, or* local jury if the Secretary concerned determines that such service—

(1) would unreasonably interfere with the performance of the member's military duties; or

\* \* \* \* \*

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## SECTION 6304 OF TITLE 5, UNITED STATES CODE

### **§ 6304. Annual leave; accumulation**

(a)

\* \* \* \* \*

(f)(1) This subsection applies with respect to annual leave accrued by an individual while serving in a position in—

(A) \* \* \*

\* \* \* \* \*

(F) *the judicial branch designated as a court unit executive position by the Judicial Conference of the United States.*